

LEGAL NOTICE

Notice is hereby given that seven Public Hearings will be held before the Moore County Planning Board at 6:00 pm on Thursday, August 3, 2023, in the Board of Commissioners' Meeting Room located on the second floor of the Historic Courthouse, Carthage, NC for the following purposes:

Public Hearing #1

A request for a Conventional Rezoning of one parcel of approximately 2.31 acres, located on 565 Holly Grove School Road, from Gated Community Seven Lakes (GC-SL) to Rural Agricultural Urban Service Boundary (RA-USB) owned by John and Sondra Lundgren per Deed Book 5982, Page 131 and further described as Parcel ID 98000163 in Moore County tax records. The potentially affected properties are located on Holly Grove School Road and surrounding properties.

Public Hearing #2

A request for a Conventional Rezoning of one parcel of approximately 2.79 acres, located on 270 McDuffie Lane, from Residential and Agricultural – 40 (RA-40) to Residential and Agricultural – 2 (RA-2) owned by Vass American Legion Post 296, Inc. per the Articles of Merger of McDuffie Post 303, Inc. into Vass American Legion Post 296, Inc. recorded with the Secretary of State as SOSID: 1330021, Deed Book 189, Page 202 and further described as Parcel ID 00022641 in Moore County tax records. The potentially affected properties are located on McDuffie Lane and surrounding properties.

Public Hearing #3

A request for a Conventional Rezoning of one parcel of approximately 1.37 acres, located on 452 Brown Road, from Residential and Agricultural – 40 (RA-40) to Residential and Agricultural – 20 (RA-20) owned by M Renovation & Design, LLC per Deed Book 5808, Page 477 and further described as Parcel ID 00000811 in Moore County tax records. The potentially affected properties are located on Brown Road and surrounding properties.

Public Hearing #4

A request for a Conditional Rezoning of four adjacent parcels of approximately 5.99 acres to Highway Commercial Conditional Zoning (B-2-CZ) for Retail Sales and a Garden Center. The first parcel of approximately 1.59 acres located on 5307 NC 211 Hwy owned by Southern Golf and Land, LLC, per Deed Book 5896, Page 149 and further described as Parcel ID 00020642 is currently zoned Highway Commercial (B-2). The second parcel of approximately 2.43 acres located on 4020 NC 73 Hwy owned by Southern Golf and Land, LLC, per Deed Book 5604, Page 221 and further described as Parcel ID 00021818 is currently zoned Residential and Agricultural-40 (RA-40). The third and fourth parcels of approximately 1.01 acres (third) and 0.96 acres (fourth) located on NC 73 Hwy owned by James D. Williams, per Deed Book 5809, Page 51 and further described as Parcel IDs 20220140 (third) and 20220139 (fourth) are

currently zoned Residential and Agricultural-40 (RA-40). The potentially affected properties are located on NC 211 Hwy and NC 73 Hwy and surrounding properties.

Public Hearing #5

A request to amend the Moore County Unified Development Ordinance as follows, which will potentially affect all properties in Moore County:

1. Amend Chapter 6 (Table of Uses), Section 6.1 (Principal Use Table) to add Section 8.33 (Commissary Kitchen) to the Table of Uses;
2. Amend Chapter 6 (Table of Uses) and Chapter 8 (Specific Use Standards in their entirety to shift the numbering of all uses after 8.33 to accommodate the addition of a new use;
3. Amend Chapter 8 (Specific Use Standards) to add Section 8.33 (Commissary Kitchen) to add a definition and standards for Commissary Kitchens;
4. Amend Chapter 8 (Specific Use Standards), Section 8.57 to 8.58 (Home Occupation, Level 1) to add Commissary Kitchen to the list of uses allowable as a Home Occupation, Level 1;
5. Amend Chapter 8 (Specific Use Standards), Section 8.58 to 8.59 (Home Occupation, Level 2) to add Commissary Kitchen to the list of uses allowable as a Home Occupation, Level 2.

Public Hearing #6

A request to amend the Moore County Unified Development Ordinance as follows, which will potentially affect all properties in Moore County:

1. Amend Chapter 8 (Specific Use Standards), Section 8.22 (Camp or Care Centers, Nonprofit) to include Transitional Living Facilities;
2. Amend Chapter 20 (Definitions), Section 20.2 to add the definition of Transitional Living Facility.

Public Hearing #7

A request to amend the Moore County Unified Development Ordinance as follows, which will potentially affect all properties in Moore County:

1. Amend Chapter 6 (Table of Uses), Section 6.2.E (Accessory Use Table, Recreation Uses) to add Accessory Indoor Athletic Courts to the Accessory Use Table;
2. Amend Chapter 6 (Table of Uses), Section 6.2.C (General Standards for All Secondary Uses and Structures) to add Accessory Indoor Athletic Courts to the general standards for all secondary uses and structures:
Indoor athletic courts (pickleball, basketball, tennis courts, etc.) shall be allowed as accessory uses to existing and proposed major subdivisions when they are clearly incidental to the subdivision and intended to serve the residents of the subdivision.

Information pertaining to the proposed actions is available for inspection in the Moore County Planning & Inspections office at 1048 Carriage Oaks Drive, Carthage, NC 28327 during normal business hours (8am to 5pm, Monday through Friday). Changes may be made in the applications that reflect information presented at the hearing.

Please give reasonable notice to the Moore County Planning Department at 910-947-5010 if accommodations for individuals with disabilities or impairments are required. Deaf and hearing-impaired individuals may use a TDD by calling (800) 735-2962.

**MOORE COUNTY PLANNING BOARD
THURSDAY, AUGUST 3, 2023, 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd FLOOR**

CALL TO ORDER – 6 PM

INVOCATION – (Member Volunteer)

PLEDGE OF ALLEGIANCE – (Member Volunteer)

MISSION STATEMENT – (Member Volunteer)

INTRODUCTION OF NEW PLANNING BOARD MEMBERS

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 June 15, 2023, Special Meeting
- C. Consideration of Abstentions

III. ELECTION OF VICE-CHAIR

IV. PUBLIC HEARING

1. A request for a Conventional Rezoning of one parcel of approximately 2.31 acres, located on 565 Holly Grove School Road, from Gated Community Seven Lakes (GC-SL) to Rural Agricultural Urban Service Boundary (RA-USB) owned by John and Sondra Lundgren per Deed Book 5982, Page 131 and further described as Parcel ID 98000163 in Moore County tax records. – **Ruth Pedersen**
2. A request for a Conventional Rezoning of one parcel of approximately 2.79 acres, located on 270 McDuffie Lane, from Residential and Agricultural – 40 (RA-40) to Residential and Agricultural – 2 (RA-2) owned by Vass American Legion Post 296, Inc. per the Articles of Merger of McDuffie Post 303, Inc. into Vass American Legion Post 296, Inc. recorded with the Secretary of State as SOSID: 1330021, Deed Book 189, Page 202 and further described as Parcel ID 00022641 in Moore County tax records. – **Debra Ensminger**
3. A request for a Conventional Rezoning of one parcel of approximately 1.37 acres, located on 452 Brown Road, from Residential and Agricultural – 40 (RA-40) to Residential and Agricultural – 20 (RA-20) owned by M Renovation & Design, LLC per Deed Book 5808, Page 477 and further described as Parcel ID 00000811 in Moore County tax records. – **Ruth Pedersen**
4. A request for a Conditional Rezoning of four adjacent parcels of approximately 5.99 acres to Highway Commercial Conditional Zoning (B-2-CZ) for Retail Sales and a Garden

Center. The first parcel of approximately 1.59 acres located on 5307 NC 211 Hwy owned by Southern Golf and Land, LLC, per Deed Book 5896, Page 149 and further described as Parcel ID 00020642 is currently zoned highway Commercial (B-2). The second parcel of approximately 2.43 acres located on 4020 NC 73 Hwy owned by Southern Golf and Land, LLC, per Deed Book 5604, Page 221 and further described as Parcel ID 00021818 is currently zoned Residential and Agricultural-40 (RA-40). The third and fourth parcels of approximately 1.01 acres (third) and 0.96 acres (fourth) located on NC 73 Hwy owned by James D. Williams, per Deed Book 5809, Page 51 and further described as Parcel IDs 20220140 (third) and 20220139 (fourth) are currently zoned Residential and Agricultural-40 (RA-40). – **Ruth Pedersen**

5. Unified Development Ordinance amendments to Chapter 6 (Table of Uses) and Chapter 8 (Specific Use Standards) to add Commissary Kitchens as a specific use. – **Ruth Pedersen**
6. Unified Development Ordinance amendments to Chapter 8 and Chapter 20 to add transitional living to the standards for Camp or Care Centers and define transitional living. – **Debra Ensminger**
7. Unified Development Ordinance amendments to Chapter 6 (Table of Uses) to add Indoor Athletic Courts as an allowed accessory use within major subdivisions. – **Debra Ensminger**

V. PLANNING DEPARTMENT REPORTS - Debra Ensminger

VI. BOARD COMMENT PERIOD - Chairman

VII. UPCOMING EVENTS

- Tuesday, August 15, 2023, 5:30 PM Board of Commissioners Meeting to be held at the Historic Courthouse in Carthage
- Tuesday, September 5, 2023, 10:30 AM Board of Commissioners Meeting to be held at the Historic Courthouse in Carthage
- **Thursday, September 7, 2023, 6:00 PM Planning Board Meeting to be held at the Historic Courthouse in Carthage**

VIII. ADJOURNMENT

*Special accommodation for individuals with disabilities or impairments will be made upon request to the extent that reasonable notice is **given** 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*
- 2. 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.*
- 3. 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.*
- 4. 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.*
- 5. 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.*
- 6. 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.*
- 7. 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.*
- 8. Any applause will be held until the end of the Public Comment Period.*
- 9. Speakers who have prepared written remarks or supporting documents are encouraged to leave a copy of such remarks and documents with the Chairperson.*
- 10. Information sheets outlining the process for the public's participation in Board meetings will also be available in the rear of the Meeting Room.*
- 11. 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
SPECIAL MEETING
THURSDAY, JUNE 15, 2023, 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd FLOOR**

Board Members Present:

Bobby Hyman (Vice-Chairman), Mick McCue, John McLaughlin, Amy Lynn, Tucker McKenzie

Board Members Absent:

Joe Garrison (Chairman), Jeffrey Gilbert, David McLean, Farrah Newman

Staff Present:

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

CALL TO ORDER

Vice-chair Bobby Hyman called the meeting to order at 6:00 pm.

INVOCATION

Vice-chair Bobby Hyman offered the invocation.

PLEDGE OF ALLEGIANCE

Vice-chair Hyman led in citing of the Pledge of Allegiance.

MISSION STATEMENT

Board member Tucker McKenzie 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 4, 2023, Regular Meeting
- C. Approval of Minutes of May 18, 2023, Work Session
- D. Consideration of Abstentions

Board member Mick McCue made a motion for approval of the consent agenda. Board member John McLaughlin seconded the motion and the motion passed unanimously 5-0.

ADOPT PUBLIC HEARING PROCEDURES FOR THE PUBLIC HEARING TO BE HELD AT THIS MEETING

There was no modification to the public hearing procedures for the public hearing to be held at this meeting.

PUBLIC HEARING

Public Hearing #1 – A request to amend Chapter 4 (Zoning Permits, Site Plans, and Determinations), Chapter 7 (General Development Standards), Chapter 8 (Specific Use Standards) and Chapter 17 (Flood Damage Prevention), Chapter 19 (Subdivisions) and Chapter 20 (Definitions) – Debra Ensminger

Ms. Ensminger went over each item line by line within the packet regarding the request.

- Chapter 4 (Zoning Permits, Site Plans, and Determinations), Section 4.1 (Zoning Permit Required)– staff is not recommending moving forward with modification.
- Chapter 7 (General Development Standards) staff is recommending moving forward as presented in staff report.
- Chapter 8 (Specific Use Standards), Section 8.113 (Wireless Communication Facility) staff is recommending moving forward as presented in staff report.
- Chapter 17 (Flood Damage Prevention), Section 17.1 (Applicability) staff is recommending moving forward as presented in staff report.

With no further questions from the board, Vice-chair Hyman opened the public hearing.

The following signed up to speak during the public hearing.

- Jeffrey Marcus; 2760 Murdocksville Rd. West End, NC., representative for Nature Conservancy & Moore County resident feels there should be smart growth and Moore County should be proactive with zoning and have clean drinking water, he was neither in favor of nor against the proposed text amendments.

With no further discussion or public comment Vice-chair Hyman closed the public hearing.

With no further discussion from the board, Board member Tucker McKenzie made a motion to adopt the attached Approval Moore County Planning Board Land Use Plan Consistency Statement and authorize the chair to execute the document as required by North Carolina General Statute 160D-604 (administrative correction was made due to incorrect statute reference from 160D-605 to 160D-604). The motion was seconded by Board member Amy Lynn; the motion passed 5-0.

Motions listed by Chapter.

Chapter 4 - Board member Tucker McKenzie made a motion to recommend Approval to the Moore County Board of Commissioners of the proposed amendment to Chapter 4 (Zoning Permits, Site Plans, and Determinations), Section 4.1 (Zoning Permit Required) to keep the zoning decision sign requirement. The motion was seconded by Board member Amy Lynn; the motion passed 5-0.

Chapter 7- Board member Amy Lynn made a motion to recommend Approval to the Moore County Board of Commissioners of the proposed amendment to Chapter 7 (General Development Standards), Section 7.8 (Highway Corridor Overlay District) to add “Manufacturing, General” to uses allowed by Conditional Zoning in the Urban Transition Highway Corridor Overlay District. The motion was seconded by Board member Mick McCue; the motion passed 5-0.

Chapter 8 – Board member Mick McCue made a motion to recommend Approval to the Moore County Board of Commissioners of the proposed amendment to Chapter 8 (Specific Use Standards), Section 8.113 (Wireless Communication Facility) to remove the requirement for a Biennial Operating Permit for persons operating Wireless Communication Facilities. The motion was seconded by Board member John McLaughlin, the motion passed 5-0.

Chapter 17 – Board member Mick McCue made a motion to recommend Approval to the Moore County Board of Commissions of the proposed amendment to Chapter 17 (Flood Damage Prevention), Section 17.1 (Applicability) to correct the statute reference. The motion was seconded by Board member Tucker McKenzie, the motion passed 5-0.

Ms. Ensminger presented the remaining items to the board regarding Chapter 19 and Chapter 20, line item by line item within the packet regarding the request.

- Chapter 19 (Subdivisions), Section 19.4 (Family Subdivisions) to remove Subdivision Review Board requirements to approve family subdivision plats – staff is not recommending moving forward with modification as presented in staff report.
- Chapter 19 (Subdivisions), Section 19.6 (Minor Subdivisions) to remove Subdivision Review Board requirements to approve minor subdivisions – staff is not recommending moving forward with modification as presented in staff report.
- Chapter 19 (Subdivisions), Section 19.7 change Stormwater Management Plan requirement from preliminary plat stage to final plat stage and move language to Section 19.11 (Construction Process) – staff is recommending moving forward as presented in staff report.
- Chapter 19 (Subdivisions), Section 19.16 (Subdivision Plat Requirements) to change items on the Table of Subdivision Application Requirements as follows.
 - o Item a: Proposed buildings are required only if applicable on preliminary plats – staff is recommending moving forward as presented in staff report – staff is recommending moving forward as presented in staff report.
 - o Item b: Existing buildings are required only on exempt, minor, and family subdivisions plats – staff is recommending moving forward as presented in staff report.

- Item c: Allow existing topography to be shown on preliminary plats, and proposed topography – staff is recommending changing the word “allow” to “require”.
 - Item d: Allow existing and proposed entrance signs to be shown on preliminary plats if applicable – staff is recommending changing the word “allow” to “require”.
 - Item e: Allow estimated linear feet in streets on preliminary plats and require linear feet in streets on final plats – staff is recommending changing the word “allow” to “require”.
 - Item f: Allow estimated percentage of entire project to be covered with impervious surfaces, including totals by phase on preliminary plats and require percentage of entire project to be covered with impervious surface, including totals by phase on final plats – staff is recommending changing the word “allow” to “require”.
 - Item g: Allow estimated separate impervious surface totals by streets, sidewalks, maximum allowed for each lot on preliminary plats and require separate impervious surface totals by streets, sidewalks, maximum allowed for each lot, etc. on final plats – staff is recommending changing the word “allow” to “require”.
 - Item h: Primary and secondary fire and rescue responders are required on preliminary and final plats – staff is recommending removing this item from the table.
 - Item i: Allow Stormwater Management Plans for major subdivisions to be submitted at final plat stage rather than preliminary plat stage – staff is recommending moving forward as presented in staff report.
- Chapter 19 (Subdivisions), Section 19.17 (Subdivision Plat Certification Requirements) to remove the requirement for a utilities certificate on minor subdivision plats – staff is not recommending moving forward with modification as presented in staff report.
 - Chapter 20 (Definitions) Section 20.2 (Definitions) to add the following definitions as presented in staff report.

With no further discussion from the board, Board member Mick McCue made a motion to adopt the attached Approval Moore County Planning Board Land Use Plan Consistency Statement and authorize the chair to execute the document as required by North Carolina General Statute 160D-604 (administrative correction was made due to incorrect statute reference from 160D-605 to 160D-604). The motion was seconded by Board member Tucker McKenzie; the motion passed 5-0.

Motions listed by Chapter and/or item as presented in staff report.

Chapter 19 - Board member Mick McCue made a motion to recommend Approval to the Moore County Board of Commissioners of the proposed amendment to Chapter 19 (Subdivisions), Section 19.4 (Family Subdivisions) to keep Subdivision Review Board requirements to approve family subdivision plats and not amend. The motion was seconded by Board member John McLaughlin; the motion passed 5-0.

Chapter 19 - Board member Tucker McKenzie made a motion to recommend Approval to the Moore County Board of Commissioners of the proposed amendment to Chapter 19 (Subdivisions), Section 19.6 (Minor Subdivisions) to keep Subdivision Review Board requirements to approve

minor subdivision and not amend. The motion was seconded by Board member Amy Lynn; the motion passed 5-0.

Chapter 19 - Board member Tucker McKenzie made a motion to recommend Approval to the Moore County Board of Commissioners of the proposed amendment to Chapter 19 (Subdivisions) to change Stormwater Management Plan requirement from preliminary plat stage (Section 19.7) to final plat stage, update requirements to be consistent with current NCDEQ policies, and move this language to Section 19.11 (Construction Process). The motion was seconded by Board member John McLaughlin; the motion passed 3-2 (Amy Lynn & Mick McCue voting opposed).

Board member Tucker McKenzie made a motion to combine items listed as Chapter 19, 4a through 4g in the staff report as one motion. The motion was seconded by Board member Amy Lynn; the motion passed 5-0.

Chapter 19 – Board member Tucker McKenzie made a motion to recommend Approval to the Moore County Board of Commissioners of the proposed amendment to Chapter 19 (Subdivisions), Section 19.16 (Subdivision Plat Requirements) items 4a through 4g with recommended amendments to change the language of “allow” to “require” for items 4c through 4g and to modify item 4c language of “not” to “and” proposed topography. The motion was seconded by Board member Amy Lynn; the motion passed 5-0.

Chapter 19 – Board member Tucker McKenzie made a motion to recommend Approval to the Moore County Board of Commissioners of the proposed amendment to Chapter 19 (Subdivisions), Section 19.16 (Subdivision Plat Requirements) item 4h to remove items on the Table of Subdivision Application Requirements listed as item 4h in the staff report as not required and remove from the table. The motion was seconded by Board member John McLaughlin; the motion passed 5-0.

Chapter 19 – Board member Tucker McKenzie made a motion to recommend Approval to the Moore County Board of Commissioners of the proposed amendment to Chapter 19 (Subdivisions) Section 19.16 (Subdivision Plat Requirements) item 4i to change items on the Table of Subdivision Application Requirements language from allow to “require”. The motion was seconded by Board member John McLaughlin; the motion passed 3-2 (Amy Lynn & Mick McCue voting opposed).

Chapter 19 – Board member Tucker McKenzie made a motion to recommend Approval to the Moore County Board of Commissioners of the proposed amendment to Chapter 19 (Subdivisions) Section 19.17 (Subdivision Plat Certification Requirements) to keep the requirement for a utilities certificate on minor subdivision plats. The motion was seconded by Board member John McLaughlin; the motion passed 5-0.

Chapter 20 – Board member Mick McCue made a motion to recommend Approval to the Moore County Board of Commissioners of the proposed amendment to Chapter 20 (Definitions) Section 20.2 (Definitions) to add the definitions of Stormwater Management Plan, Stormwater Control Measures Dispersed Flow, Vegetated Conveyance, and Post Construction Stormwater Management Permit. The motion was seconded by Board member Amy Lynn; the motion passed 5-0.

PLANNING DEPARTMENT REPORTS

Ms. Ensminger thanked the board for their feedback and their recommendations will be forwarded to the Board of County Commissioners.

BOARD COMMENT PERIOD

Vice-chair Hyman thanked staff and the board for all their hard work.

ADJOURNMENT

With no further comments Board member Tucker McKenzie made a motion to adjourn the June 15, 2023, special meeting. The motion was seconded by Board member John McLaughlin, the motion passed unanimously 5-0. The meeting was adjourned at 8:06 p.m.

Respectfully submitted by,

Stephanie Cormack

MEMORANDUM TO THE PLANNING BOARD

FROM: Ruth Pedersen
Senior Planner

DATE: June 29, 2023

SUBJECT: Conventional Rezoning Request: Gated Community Seven Lakes (GC-SL) to Rural Agricultural Urban Service Boundary (RA-USB) – 565 Holly Grove School Rd.

PRESENTER: Ruth Pedersen

REQUEST

A request for a Conventional Rezoning of one parcel of approximately 2.31 acres, located on 565 Holly Grove School Road, from Gated Community Seven Lakes (GC-SL) to Rural Agricultural Urban Service Boundary (RA-USB) owned by John and Sondra Lundgren per Deed Book 5982, Page 131 and further described as Parcel ID 98000163 in Moore County tax records.

Public notification consisted of publishing a legal notice in the local newspaper for two consecutive weeks, notification by certified mail to adjacent property owners, and placing public hearing signs on the property.

BACKGROUND

The subject property is not governed by the restrictive covenants of Seven Lakes, as evidenced by Deed Book 5982, Page 129 titled “Termination of Declaration of Restrictive Covenants,” and attached to this report for reference, but it is still under the Gated Community Seven Lakes (GC-SL) zoning district. The GC-SL zoning district is primarily governed by restrictive covenants, with district regulations designed to reflect deeded covenant restrictions. The property owner is requesting the zoning classification change to RA-USB to be consistent with the zoning classification within the area.

The subject property is wooded land. Adjacent properties include single family dwellings, wooded areas, and the gated community, Seven Lakes.

The subject property is on Holly Grove School Road approximately 0.8 miles west of the intersection of Holly Grove School Road and Dowd Road. It is located on the northern border of Seven Lakes North.

NCDOT has not provided an Annual Average Daily Traffic Count at this location, but the count is 850 trips per day about 0.8 miles away on Dowd Road as of 2021.

The subject property is within half a mile of a Voluntary Agricultural District. The parcel is not within a watershed.

ZONING DISTRICT COMPATIBILITY

The requested rezoning to RA-USB is consistent with the existing uses located near the property including residential and agricultural uses. Zoning districts adjacent to the property include Rural Agricultural Urban Service Boundary (RA-USB), Rural Agricultural (RA), and Gated Community Seven Lakes (GC-SL).

CONSISTENCY WITH THE 2013 MOORE COUNTY LAND USE PLAN

The Future Land Use Map identifies the property as Medium Density Residential. The requested rezoning to Rural Agricultural Urban Service Boundary (RA-USB) is compatible with the Medium Density Residential classification as defined in the Moore County Land Use Plan.

The Land Use Plan states the Medium Density Residential Classification is meant for a density of two to four dwellings per acre, single family detached or attached. Housing may include a mixture of dwelling types, including single-family detached, duplex, patio home, semi-detached/attached dwelling, multi-family, or townhouse. This may also include certain non-residential neighborhood supportive uses such as schools, daycares, churches and others. Density would require engineered sewerage disposal systems. Public infrastructure and facilities such as roads, water, sewer, schools, fire/rescue, open space, and must be adequate to accommodate the development. The public service providers in the proximity of these areas shown on the Future Land Use Map shall consider extending, upgrading and/or preserving infrastructure in these locations.

The Moore County Unified Development Ordinance states the Rural Agricultural Urban Service Boundary (RA-USB) district is 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.

The rezoning request aligns with the following Goals, Recommendations, and Actions as included in the attached Land Use Plan Consistency Statement, including:

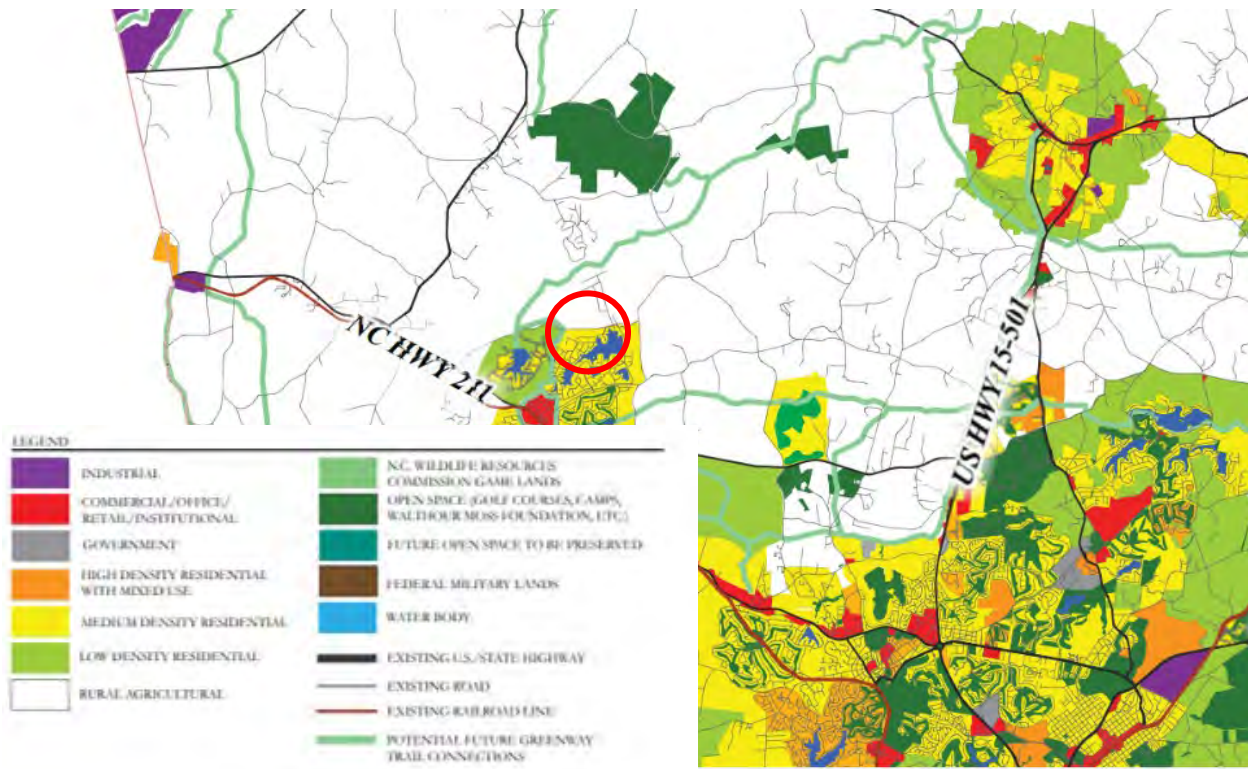
Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around municipalities)

- Recommendation 1.5: Encourage and support development and land use principles by ensuring Moore County's cultural, economical, and natural resources are considered appropriately. Action 1.5.2: Support new developments that utilize existing or implement

planned infrastructure that most economically preserves open space and important historical, natural and cultural features.

- o The requested RA-USB zoning district is meant to accommodate planned infrastructure in the future. The requested rezoning will protect the property from intrusive uses in the event that services are one day provided and growth accelerates in this area.

MOORE COUNTY FUTURE LAND USE MAP



RECOMMENDATION

Staff recommends the Moore County Planning Board make two separate motions:

Motion #1: Make a motion to adopt the attached **Approval** or **Denial** Moore County Planning Board Land Use Plan Consistency Statement and authorize its Chairman to execute the document as required by North Carolina General Statute 160D-604.

Motion #2: Make a motion to recommend **Approval** or **Denial** to the Moore County Board of Commissioners of the Conventional Rezoning of one parcel of approximately 2.31 acres, located on 565 Holly Grove School Road, from Gated Community Seven Lakes (GC-SL) to Rural Agricultural Urban Service Boundary (RA-USB) owned by John and Sondra Lundgren per Deed Book 5982, Page 131 and further described as Parcel ID 98000163 in Moore County tax records.

SUPPORTING ATTACHMENTS

- Pictures of the property and adjacent properties
- Planning Board Consistency Statement – Approval
- Planning Board Consistency Statement – Denial
- Vicinity Map
- Land Use Map
- Zoning Map
- Landmarks Map
- Rezoning Map
- Plat Cabinet 19, Slide 569
- Submitted Conventional Rezoning Application
- Deed Book 5982, Page 131
- Deed Book 5982, Page 129
- Deed Book 1388, Page 228
- UDO Chapter 6. Table of Uses

VIEW OF SUBJECT PROPERTY FROM HOLLY GROVE SCHOOL RD



VIEW OF HOLLY GROVE SCHOOL RD LOOKING EAST



VIEW OF HOLLY GROVE SCHOOL ROAD LOOKING WEST



VIEW ACROSS HOLLY GROVE SCHOOL RD



VIEW OF ADJACENT PROPERTY AT 525 HOLLY GROVE SCHOOL RD



VIEW OF ADJACENT PROPERTY AT 597 HOLLY GROVE SCHOOL RD



Moore County Planning Board
Land Use Plan Consistency Statement
Conventional Rezoning GC-SL to RA-USB 565 Holly Grove School Road

The Moore County Planning Board finds that:

The proposed conventional rezoning is consistent with the following goals as listed in the 2013 Moore County Land Use Plan:

1. It is consistent with Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around municipalities)
 - Recommendation 1.5 Encourage and support development and land use principles by ensuring Moore County's cultural, economical, and natural resources are considered appropriately. Action 1.5.2: Support new developments that utilize existing or implement planned infrastructure that most economically preserves open space and important historical, natural and cultural features.
 - o The requested RA-USB zoning district is meant to accommodate planned infrastructure in the future. The requested rezoning will protect the property from intrusive uses in the event that services are one day provided and growth accelerates in this area.

The proposed conventional rezoning is reasonable and in the public interest because:

1. It supports the current 2013 Moore County Land Use Plan goals and recommendations listed above.
2. The subject property is designated on the Future Land Use map as an area that could experience infrastructure improvements in the future and the requested zoning to RA-USB will be in accordance with this.

Therefore, the Moore County Planning Board recommends **APPROVAL** of the conventional rezoning, as proposed.

Joe Garrison, Chair
Moore County Planning Board

Date

Moore County Planning Board
Land Use Plan Consistency Statement
Conventional Rezoning GC-SL to RA-USB 565 Holly Grove School Road

The Moore County Planning Board finds that:

The proposed conventional rezoning is not consistent with the following goals as listed in the 2013 Moore County Land Use Plan:

1. It is not consistent with Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around municipalities)
 - Recommendation 1.8: Discourage undesirable or unattractive land uses, especially within high visibility areas.
 - o The requested RA-USB zoning district allows a slightly wider range of uses than the existing GC-SL zoning district including manufactured homes, bed and breakfast (by conditional rezoning only), child care facility (by special use permit only), religious institution, schools, civic, social club, lodge, organization, and residential major subdivision (by special use permit only).

The proposed conventional rezoning is not reasonable and not in the public interest because the proposed conventional rezoning will have an unreasonable impact on the surrounding community.

Therefore, the Moore County Planning Board recommends **DENIAL** of the conventional rezoning, as proposed.

Joe Garrison, Chair
Moore County Planning Board

Date

Legend

- Roads
- Parcels
- Highway Corridor

Parcels

Highway Corridor

1 inch = 2,000 feet

211

WE

Land Use Map



Forested

Business Office

Area proposed to be rezoned RA-USB

HOLLY GROVE SCHOOL RD

Residential

Forested

Residential

Residential

FIRETREE LN

PINECONE CT

Legend

— Roads

▭ Parcels

1 inch = 200 feet



Zoning Map



RA

VB-CZ

Area proposed to be
rezoned RA-USB

HOLLY GROVE SCHOOL RD

RA-USB

GC-SL

LAUREL CT

FIRETREE LN

PINEWOOD CT

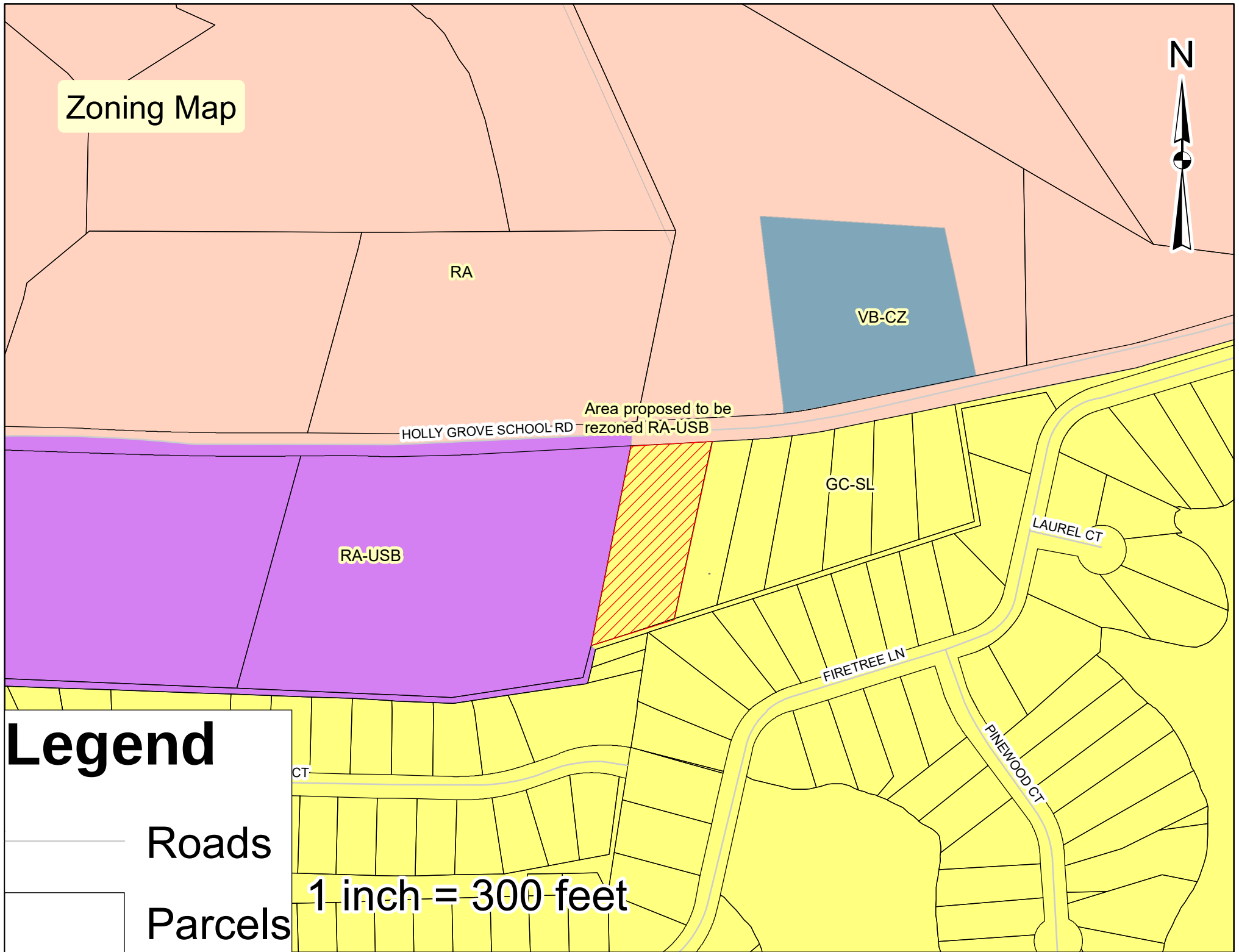
CT

Legend

Roads

Parcels

1 inch = 300 feet



Landmarks Map

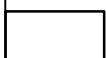
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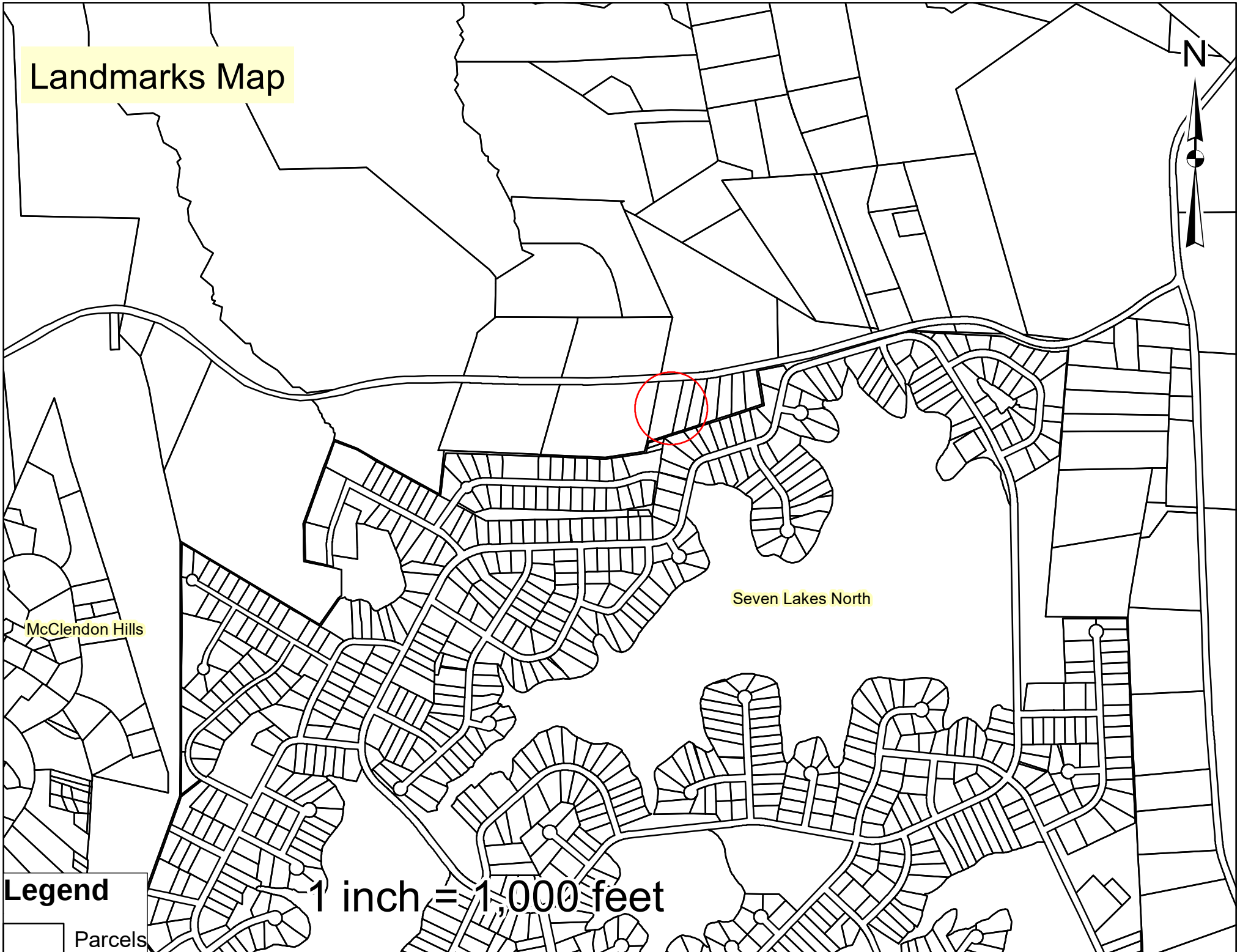
McClendon Hills

Seven Lakes North

Legend

 Parcels

1 inch = 1,000 feet





Results Layers

Contents

Emergency Response Stations

Port

Hospital

Neighborhood Codes

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Station

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Highways

Fire County Zoning

Codes

Primary Ag Districts

Topography and Terrain

Boundaries

Neighboring Places

Ward Precincts

Commissioner Districts

Ward Education Districts



(9.54A)
2957

20020465

Zoned
RA

(865)

10

00009446

496 HOLLY G

Zon

VB-

HOLLY GROVE SCHOOL RD

(865)

545 HOLLY GROVE SCHOOL RD 535 HOLLY GROVE SCHOOL RD
565 HOLLY GROVE SCHOOL RD

515 HOLLY G

Zoned
RA-11SR
95000362

(2.26A)
98000163

(1.03A)
8510

98000161

9533
00018436

(1.08A)
98000160

Zoned
GC-SL

597 HOLLY GROVE SCHOOL RD

2B

00026828

00030029

00026687

00019752

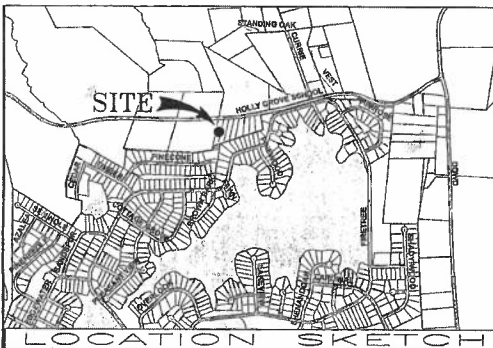
00027512 00019917

200 FIRETREE LN

0129

196

Map Scale: 1 inch = 100 feet



FOR REGISTRATION REGISTER OF DEEDS
Judy B. Herlin
Moore County, NC
October 13, 2022 11:00:32 AM
Book 19 Page 569-569
FEE: \$21.00
INSTRUMENT # 2022017199

PLAT CABINET 19, SLIDE 569

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.

Samie L. Walters 10/12/22
Subdivision Administrator Date

Approval of this exempt subdivision plat constitutes compliance with North Carolina General Statute 160D-802 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.

State of North Carolina
Samie Walters Review Officer of
Moore County, North Carolina, certify that the map or plat which this certification is affixed meets all statutory requirements for recording.

Samie L. Walters 10/12/22
Review Officer Date

MINIMUM BUILDING SETBACK LINES TO COMPLY WITH THE ZONING REQUIREMENTS IN FORCE AT THE TIME OF APPLICATION FOR A BUILDING PERMIT.

I, S. R. SHEFFIELD, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION SHOWN; THAT THE RATIO OF PRECISION AS CALCULATED IS 1: 10,000±; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. FURTHER: THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT ORDERED SURVEY, OR OTHER EXEMPTION OR EXCEPTION TO THE DEFINITION OF SUBDIVISION.

WITNESS MY ORIGINAL SIGNATURE, LICENSURE NUMBER AND SEAL THIS 10TH DAY OF OCTOBER, 2022, A.D.

S. R. SHEFFIELD, PLS NO. 1365
CORPORATE LICENSE NO. C-1987

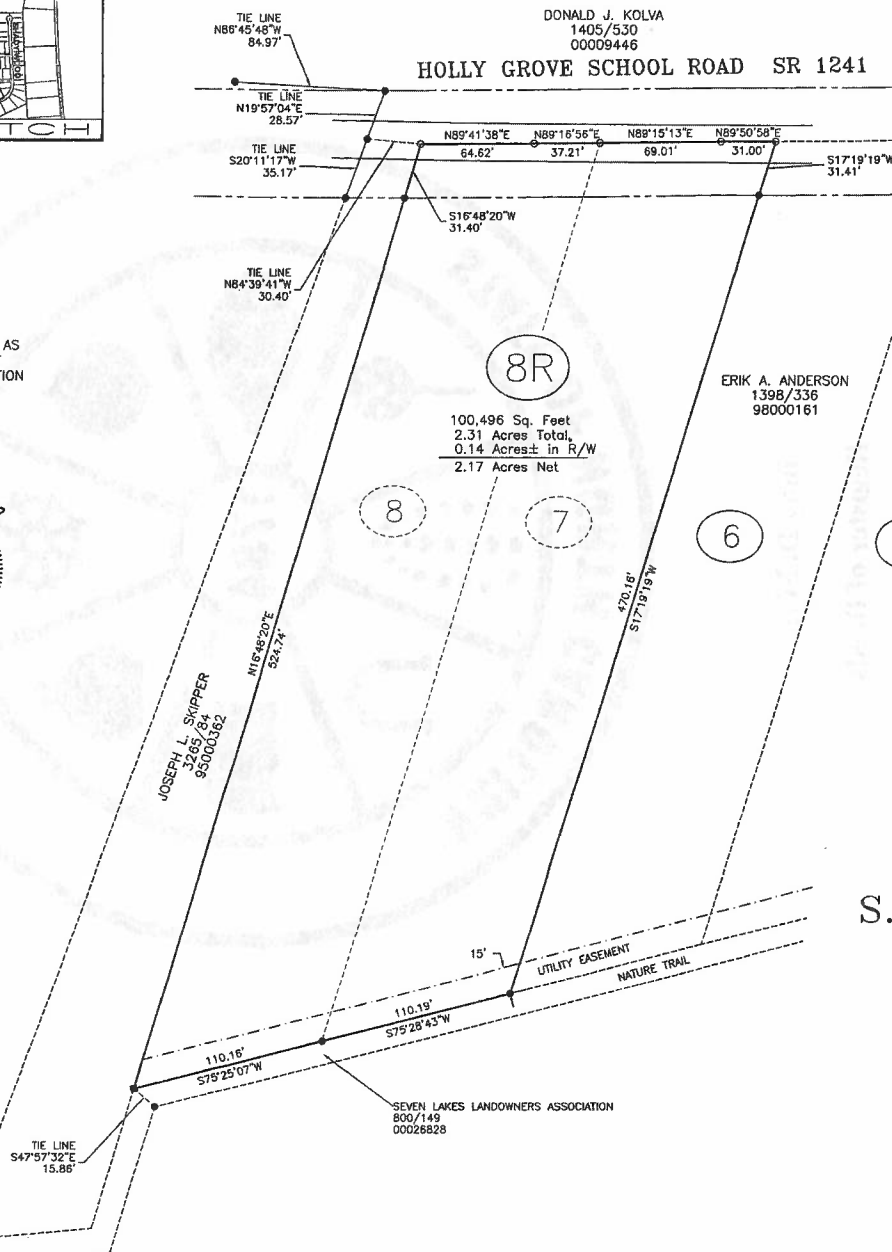
OWNER:
S. WILLIAM M. JOHNSTONE, JR.
115 MERION CIRCLE
PINEHURST, NC 28374

SURVEYOR:
STEPHEN R. SHEFFIELD & ASSOCIATES, P. A.
1680 NC HWY. 5, SUITE NO. 170
ABERDEEN, N. C. 28315
910-255-0420

UNLESS OTHERWISE DENOTED,
●= EXISTING IRON STAKE
■= EXISTING CONCRETE MONUMENT
□= SET CONCRETE MONUMENT
○= SET IRON STAKE
---= SQUARE FOOTAGE
②= UTILITY POLE

BB= WATER METER
⊗= WATER VALVE
⊕= FIRE HYDRANT
■= CATCH BASIN
MH= SANITARY SEWER MANHOLE
▲= POWER SERVICE STUB
⊙= SEWER SERVICE STUB
⊙= TELEPHONE SERVICE STUB
⊙= CABLE TV SERVICE STUB

DB. 5924, PG 307
REFERENCE:
PLAT CAB. 6, SL. 897
MOORE COUNTY REGISTRY
ACREAGE DETERMINED
BY COORDINATE METHOD.



RECOMBINATION SURVEY FOR
S. WILLIAM M. JOHNSTONE, JR.
AND WIFE
MELISSA M. JOHNSTONE
LOT NOS. 7 & 8
DEWEY A. BURNS PROPERTY
INTO
LOT NO. 8R
DEWEY A. BURNS PROPERTY
MINERAL SPRINGS TOWNSHIP, MOORE COUNTY,
NORTH CAROLINA

OCTOBER 10, 2022 -- SCALE 1"=50'
STEPHEN R. SHEFFIELD & ASSOCIATES, P.A.
1680 NC HWY. 5, SUITE NO. 170
ABERDEEN, NORTH CAROLINA





Received
6/8/23

County of Moore Planning and Inspections

Inspections/Permitting: (910) 947-2221
Planning: (910) 947-5010
Fax: (910) 947-1303

CONVENTIONAL REZONING APPLICATION

Application Date: 6/8/2023			
Location/Address of Property: 565 Holly Grove School Road, West End 27376			
Applicant: John and/or Sonda Lundgren		Phone: 831-245-6001	
Applicant Address: 5169 Seven Lakes West 153 Beacon Ridge Drive		City: West End	St: NC Zip: 27376
Owner: John and/or Sonda Lundgren		Phone: 831-245-6001	
Owner Address: 5169 Seven Lakes West 153 Beacon Ridge Drive		City: West End	St: NC Zip: 27376
Current Zoning District: GC-SL		Proposed Zoning District: RA-USB	
Comments: Property 10: 98000163			
I (We), the undersigned, certify that all statements furnished in this application are true to the best of my (our) knowledge, and do hereby agree to follow all reasonable requests for information as designated by the County of Moore Zoning Administrator.			
John Lundgren		6/8/23	
Applicant/Owner Signature		Date	
Sonda Lundgren		6/8/23	
Applicant/Owner Signature		Date	
Office Use Only:			
PAR ID: 98000163			
Berto Pedersen		6/16/23	
Received By		Date	

For Registration Register of Deeds

William Britton

Moore County, NC

Electronically Recorded

March 7, 2023 11:47:33 AM

Book: 5982 Page: 131 - 133 #Pages: 3

Fee: \$26.00 NC Rev Stamp: \$140.00

Instrument# 2023002794

This Instrument Prepared By: H. Craig Phifer, III
 Clarke, Phifer, Vaughn, Brenner & McNeill, PLLC
 135 Applecross Road,
 Pinehurst, North Carolina 28374
 NO TITLE SEARCH COMPLETED BY PREPARER

Revenue Stamps: \$140.00

LRK#

**STATE OF NORTH CAROLINA
 COUNTY OF MOORE**

GENERAL WARRANTY DEED

THIS DEED, made this 3rd day of March, 2023, by **William Johnstone** and wife, Melissa Johnstone, of 16 Merion Circle, Pinehurst, NC 28374; **GRANTOR**, to **John Andrew Lundgren and wife, Sondra Ann Lundgren, GRANTEE**;

Tax Address: 5169 Seven Lakes West, West End, NC 27376

WITNESSETH:

That said Grantor, for valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot, tract or parcel of land situated in Mineral Springs Township, Moore County, North Carolina, and more particularly described as follows:

All of Lot 8R, as shown in that certain plat entitled "Recombination Survey for William M. Johnstone, Jr. and wife, Melissa M. Johnstone, Lot Nos. 7 & 8, Dewey A. Burns Property, into Lot No. 8R, Dewey A. Burns Property, Mineral Springs Township, Moore County, North Carolina dated October 10, 2022, by Stephen R. Sheffield & Associates, P.A." recorded in Plat Cabinet 19, Slide 569, Moore County Public Registry, to which plat and its recorded reference is hereby made for a more complete, accurate and particular description of said lot.

This conveyance is made subject to: (i) utility easements of record; (ii) ad valorem taxes for the current year, which taxes shall be prorated as of the date of closing; and (iii) unviolated restrictive covenants of record that do not materially affect the value of the property.

Submitted electronically by "Van Camp, Meacham & Newman, PLLC"
 in compliance with North Carolina statutes governing recordable documents
 and the terms of the submitter agreement with the Moore County Register of Deeds.

The property hereinabove described was acquired by Grantors by instrument recorded in Book 5940, Page 179, and Book 5924, Page 307, Moore County Registry, Carthage, North Carolina.

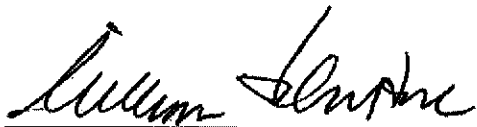
All or a portion of the property herein conveyed [] includes or [X] does not include the primary residence of a Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions noted herein.

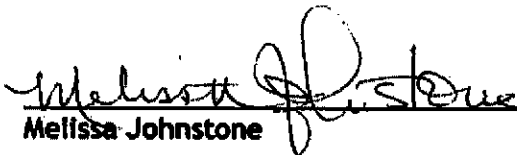
The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal the day and year first above written.



William Johnstone

(SEAL)



Melissa Johnstone

(SEAL)

*** THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK ***

=====

STATE OF NORTH CAROLINA

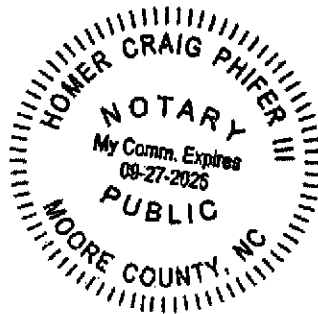
COUNTY OF MOORE

I certify that the following person(s) personally appeared before me this day and ✓ I have personal knowledge of the identity of the principal(s) or, _____ have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a [] driver's license or _____, or a credible witness has sworn to the identity of the principal(s); each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

Name of Principal(s): William Johnstone and wife, Melissa Johnstone.

Date: 03/03/2023


Notary Public



[OFFICIAL SEAL]

Homer Craig Phifer
Printed or typed name of Notary Public

My Commission Expires: 27 Sep 2025

For Registration Register of Deeds

William Britton

Moore County, NC

Electronically Recorded

March 7, 2023 11:47:33 AM

Book: 5982 Page: 129 - 130 #Pages: 2

Fee: \$26.00 NC Rev Stamp: \$0.00

Instrument # 2023002793

**STATE OF NORTH CAROLINA
COUNTY OF MOORE**

TERMINATION OF DECLARATION OF RESTRICTIVE COVENANTS

THIS Termination of Declaration of Restrictive Covenants is executed the 23rd day of February, 2023 by **ARNOLD BURNS (a/k/a Dewey A. Burns) and wife, HILDA BURNS**, hereinafter referred to as "Declarant";

WHEREAS, Declarant caused to be executed and activated a certain Declaration of Restrictive Covenants (the "Declaration") as recorded with a General Warranty Deed in Book 1388, Page 228, Moore County Public Registry, as the same may be in effect at the time of this termination. More specifically, the Declaration appears as "Exhibit A", in Book 1388, Page 230, Moore County Public Registry;

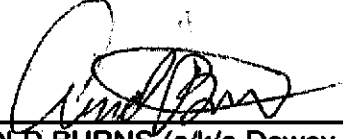
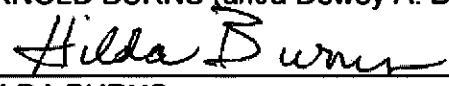
WHEREAS, Declarant, as Grantor in the aforementioned Deed, reserved the right as set forth in Paragraph 4 of the Declaration to alter, amend, release, or revoke and thereby terminate said Declaration without the joinder of any other persons or entities and to thereby render the same null, void, and of no force and effect;

WHEREAS, Declarant does now desire to revoke and thereby terminate said Declaration in full and to render the same null and void with respect to any real property burdened by said Declaration; and,

Whereas Declarant desires to and does hereby revoke and thereby terminate the Declaration in its entirety as the same applies to Lots 7 & 8, Dewey Arnold Burns Property as described in Plat Cabinet 6, Slide 897 (also Described as Lot 8R in Plat Cabinet 19, Slide 569) of the Moore County, North Carolina Public Registry located in Carthage, North Carolina;

NOW, THEREFORE, the Declaration is hereby revoked and terminated in whole and is null, void and of no force and effect, and the Declarant does hereby release all of Lots 7 & 8 as described in the Office of the Register of Deeds of Moore County, North Carolina in Plat Cabinet 6, Slide 897, from the terms and conditions of said Declaration.

IN WITNESS WHEREOF, **ARNOLD BURNS (a/k/a Dewey A. Burns)** and wife, **HILDA BURBS**, have signed this Termination, the day and year first above written.

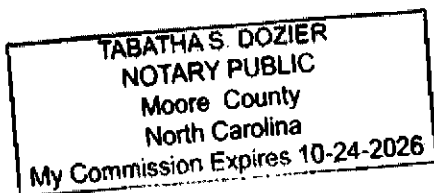

 _____ (Seal)
 ARNOLD BURNS (a/k/a Dewey A. Burns)

 _____ (Seal)
 HILDA BURNS

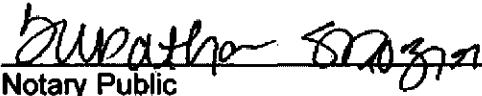
COUNTY OF MOORE

STATE OF NORTH CAROLINA

I certify that the following persons personally appeared before me this day, and I have personal knowledge of the identity of the principals, and they voluntarily signed the foregoing document for the purposes stated therein: Names of the Principals: ARNOLD BURNS (a/k/a Dewey A. Burns) and wife, HILDA BURNS

Witness my hand and notarial seal, this 23 day of February 2023.





 Notary Public


 Printed or typed name of Notary Public

[OFFICIAL SEAL]

My Commission Expires: 10-24-2026

BOOK PAGE
01388 00228

JUN 5 3 59 PM '98

MRS. JUDITH M. ADAMS
REGISTER OF DEEDS
MOORE COUNTY, N.C.

MOORE COUNTY NC 06/05/98
\$16.00
STATE OF NORTH CAROLINA
Real Estate
Excise Tax

Excise Tax \$ 16.00

Recording Time, Book and Page

Tax Lot No. Parcel Identifier No.
Verified by County on the day of 19
by

Mail after recording to RANDOLPH E. SHELTON, JR., ATTORNEY AT LAW, POST OFFICE DRAWER 28, SOUTHERN
PINES, NC 28388

This instrument was prepared by RANDOLPH E. SHELTON, JR., ATTORNEY AT LAW, POST OFFICE DRAWER 28,

Brief description for the Index

LOTS 7 & 8, HOLLY GROVE SCHOOL ROAD

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 26th day of May, 1998, by and between

GRANTOR

Arnold Burns and wife,
Hilda Burns
PO Box 2018
Southern Pines, NC 28388

GRANTEE

Angelyn B. Haan Trust
1239 Seven Lakes North
West End, North Carolina 27376

009706

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of West End, Mineral Springs Township,

MOORE County, North Carolina and more particularly described as follows:

BEING ALL OF LOTS NOS. 7 & 8, DEWEY A. BURNS PROPERTY, AS SHOWN ON THAT CERTAIN PLAT ENTITLED "DIVISION PLAN OF DEWEY A. BURNS PROPERTY", DATED MARCH 11, 1998, PREPARED BY CHARLES D. WARD, RLS, AND RECORDED IN PLAT CABINET 6, SLIDE 897, MOORE COUNTY PUBLIC REGISTRY, TO WHICH PLAT AND ITS RECORDATION REFERENCE IS HEREBY MADE FOR A MORE COMPLETE, ACCURATE AND PARTICULAR DESCRIPTION OF SAID LOT.

HOWEVER, THIS CONVEYANCE IS MADE SUBJECT TO THAT CERTAIN DECLARATION OF RESTRICTIVE COVENANTS WHICH IS ATTACHED HERETO AS "EXHIBIT A".

The property hereinabove described was acquired by Grantor by instrument recorded in Book 1319, Page 333.....

A map showing the above described property is recorded in Plat Book 6..... page 897.....

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

1. Utility easements and restrictive covenants that are enforceable against the property.
2. Property taxes for the year 1998.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

.....
(Corporate Name)

By:

..... President

ATTEST:

..... Secretary (Corporate Seal)

USE BLACK INK ONLY

..... (SEAL)
Arnold Burns

..... (SEAL)
Hilda Burns

..... (SEAL)

..... (SEAL)

SEAL-STAMP

NORTH CAROLINA, MOORE County.

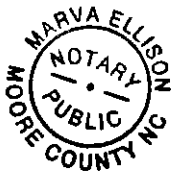
I, a Notary Public of the County and State aforesaid, certify that Arnold Burns and wife, Hilda Burns,

..... Grantor,

personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my

hand and official stamp or seal, this 26th day of May 1998.

My commission expires: 09-23-02 Notary Public



Use Black Ink

.....
Marva Ellison
Notary Public

SEAL-STAMP

NORTH CAROLINA, County.

I, a Notary Public of the County and State aforesaid, certify that

personally came before me this day and acknowledged that he is Secretary of

..... a North Carolina corporation, and that by authority duly

given and as the act of the corporation, the foregoing instrument was signed in its name by its

President, sealed with its corporate seal and attested by as its Secretary.

Witness my hand and official stamp or seal, this day of, 19.....

My commission expires: Notary Public

North Carolina--Moore County

The foregoing Certificate(s) of Marva Ellison, Notary Public

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

Judith M. Adams REGISTER OF DEEDS FOR Moore COUNTY

By Judy D. Martin, Deputy/Assistant - Register of Deeds

"EXHIBIT A"**DECLARATION OF RESTRICTIVE COVENANTS**

That said lot(s) of land is/are hereby impressed with and subjected to the following restrictions and conditions, which said covenants and restrictions run with the title to said lot(s):

(1) **RESIDENTIAL LOTS:**

A. Said lot(s) shall be used exclusively for residential purposes.

B. Not more than one single family dwelling house may be erected or constructed on any one residential lot, and not more than ONE building for garage or storage purposes. No building or structure of any kind shall be erected prior to the erection of a residential dwelling house. No accessory or temporary building shall have tar paper, roll brick siding or similar material on outside walls, and no house trailers, manufactured homes, campers, tents, canopies, or similar structures shall be erected, moved to or placed upon said residential lot. All building exteriors must be completed within six months from the date the construction commences.

C. No residence shall have less than 1000 sq. ft. of heated living space, exclusive of porch and garage areas. No porch or foundation projection of any building shall extend nearer than 40 feet to any road right of ways, or nearer than 15 feet from the property line of any abutting property owner.

D. No outside toilets shall be allowed on the premises. Each residential dwelling shall have an individual sanitary unit and the owner of said lot shall install a type of unit that complies in all respects with the requirements of Moore County Health Department or other governing local authority. Each lot owner shall obtain approval from the appropriate governmental authority prior to the installation of any sanitation system and shall further be bound by all orders or recommendations of such authority and/or authorities with regard to water supply to said lot, and the repair, alteration or replacement of the installed sanitary unit.

(2) **NUISANCES:**

No noxious or offensive trade shall be permitted on any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood. No animals or fowl shall be kept or maintained on said lot except customary household pets. No abandoned or junked vehicles, vehicle parts, appliances, rubbish, debris, or the like shall be placed on any lot.

(3) **WATER AVAILABILITY - PRIVATE WELLS:**

Grantee, his heirs, successors or assigns, agrees that if and when a central water system or sewer system is installed in the Subdivision and water or sewer is made available to Grantee's property by installation of water or sewer mains that Grantee will, if and when water or sewer services are needed in connection with use of said property, subscribe to water or sewer service from the central water or sewer system and will pay for use and availability of water or sewer, such sums and fees as allowed and approved by the North Carolina Utilities Commission, including, tap-on or impact fees.

(4) **COVENANTS RUNNING WITH THE LAND, DURATION RESTRICTIONS:**

These restrictions shall be covenants running with the land, and shall bind the Grantees, their heirs, executors, administrators, successors, and assigns, and if said Grantees, their heirs, executors, administrators, successors or assigns shall violate, or attempt to violate any of the covenants or restrictions herein contained, it shall be lawful for any person, persons, or legal entity owning any land in the subdivision to prosecute by proceeding at law or in equity against the person or persons violating or attempting to violate any such covenants or restrictions either to prevent him or them from doing so, and to recover damages for such violation. All construction plans must be approved by Arnold Burns Construction Co., Inc., which approval shall not be unreasonably withheld. If not rejected within 30 days of submission, such plans shall conclusively presumed to be approved. Grantor reserves the right to alter, amend, release, or revoke these covenants, in full or in part, without the joinder or permission of any other party.

CHAPTER 6. TABLE OF USES

SECTION 6.1. PRINCIPAL USE TABLE

The use table below lists the range of allowable principal uses, the zoning districts where they are permitted, and the type of application approval necessary from the County for the use to be established. The following application types are listed in the table:

A. PERMITTED USES

A “P” in a cell of the table indicates that the specific use type is permitted in the corresponding zoning district, subject to any referenced use standards identified in the table and issuance of a zoning permit (see Chapter 4) by the Administrator.

B. SPECIAL USES

An “S” in a cell of the table indicates that the specific use type may only be permitted in the corresponding zoning district following approval of a special use permit by the Board of Commissioners (see Chapter 12). Special uses are subject to any referenced use standards identified in the table and may be subject to additional conditions deemed necessary by the Board of Commissioners.

C. CONDITIONAL ZONING

A “Z” in a cell of the table indicates that the specific use type may only be permitted within a conditional zoning district that is parallel to the listed underlying zoning district (see Chapter 11). The conditional zoning district designation must be in place before the use type may be established.

D. PLANNED DEVELOPMENT DISTRICT

1. An “A” in a cell of the principal use table indicates that the specific use type is permitted in a planned development district, provided the specific use type is included in the list of potential use types in the master plan or terms and conditions document.
2. If a use type is listed as prohibited in a planned development district it may not be included in a master plan or terms and conditions document.

E. USE NOT PERMITTED

An “•” symbol in a cell of the summary use table indicates that the specific use type is not permitted in the corresponding zoning district.

F. BUILDING CODE CLASSIFICATION

1. The “Bldg. Code Group” column in the use table is intended for reference purposes only. Classifications will be verified by the Building Inspector and should follow the regulations of the applicable “Use & Occupancy Classification” in accordance with NC State Building Code.
2. Changes of use from one building code classification to a different building code classification within an existing building require approval of sealed plans by the Building Inspector.
3. The different kinds of building code classifications are set out in the table below.

BUILDING CODE CLASSIFICATIONS			
ABBREVIATION	CLASSIFICATION TYPE	ABBREVIATION	CLASSIFICATION TYPE
A	Assembly	M	Mercantile
B	Business	R	Residential
E	Education	S	Storage
F	Factory Industrial	U	Utility & Miscellaneous
H	Hazardous	Mix	Mixed Uses [1]
I	Institutional		
NOTES:			

BUILDING CODE CLASSIFICATIONS			
ABBREVIATION	CLASSIFICATION TYPE	ABBREVIATION	CLASSIFICATION TYPE
[1] Separation standards may apply.			

G. UNLISTED USES

1. In the event that a proposed principal use type is not listed in principal use table and provided such land use is not listed as prohibited use in this Chapter, the Administrator shall determine whether a materially similar land use exists in this Ordinance.
2. The Zoning Administrator shall determine whether or not an unlisted use is similar to an existing use type based on the standards in Section 4.3.C of this Ordinance.
3. Nothing shall limit the Administrator from seeking input from County staff, the Planning Board, or Board of Commissioners in making a determination of how to categorize an unlisted use.
4. Should the Administrator determine that a materially similar land use does exist, the regulations governing that land use shall apply to the unlisted use type and the Administrator's determination shall be recorded in writing.
5. In cases where a proposed unlisted use type is not found to be similar to an existing use type, the Administrator may, but shall not be required to, initiate a text amendment application to revise the text of this Ordinance to add the use type in accordance with (see Chapter 10).

H. CHANGE OF USE

1. Several of the provisions in this Ordinance are applied at the time of a change in use. For the purposes of this Ordinance, each of the following shall constitute a "change in use:"
 - i. When an existing principal use is replaced by a new principal use that is of a different use classification, use category, or use type designation;
 - ii. When an existing principal use that is conducted entirely indoors becomes conducted entirely outdoors, or vice versa;
 - iii. When an existing use type that is a nonconforming use changes to a different use type that is also nonconforming, regardless of whether the newer nonconforming use is more intense than the prior nonconforming use;
 - iv. Any change in an existing use or development site that triggers the application of a differing set of building code requirements, such as the switch from residential requirements to non-residential or combined use requirements;
 - v. When an existing principal use intensifies or expands (with or without a shift in the use type) in a manner that increases the average daily trips associated with the use by 100 percent or more; and
 - vi. If a combined or multiple principal use is changed in ways where the mixture of use types changes or where the relative proportion of floor area devoted to one of the existing use types is modified to the extent that the total minimum off-street parking standards for the entire development are changed.
2. Conversion from one use type to the same use type under the same or a different owner is not a change in use. Additions or expansions of an existing use may require the need for compliance with development or design standards in this Ordinance.
3. Changes of use type within a planned development district do not constitute a change in use provided the new use types is identified in the planned development terms and conditions document. The addition of a new or unlisted use types within a planned development shall require an amendment to the planned development district.
4. Addition or conversion of secondary uses or the operation of a temporary use does not constitute a change in principal use.

CHAPTER 6. TABLE OF USES

SECTION 6.1. PRINCIPAL USE TABLE

I. COMBINATION OR MULTIPLE PRINCIPAL USES

Developments with combination or multiple principal uses, such as shopping centers, shall:

1. Incorporate only those use types allowed in the applicable zoning district;
2. Comply with all the use standards that apply to each use type in the development; and
3. Comply with the required method of establishment for the use type identified in the principal use table.

J. MAJOR SUBDIVISION

The principal use table lists residential and non-residential major subdivisions and the zoning districts where these kinds of subdivisions are permitted in accordance with the applicable standards in Chapter 19. Minor, expedited, and family subdivisions are not required to obtain special use permit approval and are not prohibited in any zoning districts.

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-USB	RE	GC-SL	GC-WL	PC	B-1	B-2	VB	I	MF-CZ	PD-CZ			
AGRICULTURAL USES																			
Agricultural Uses and Buildings (Not in a Bona Fide Farm)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Z	A	8.7	U	
Bona Fide Farm	Bona Fide Farm exemption status is obtained through the Moore County Planning Department																8.20	S, U	
RESIDENTIAL USES																			
Single-Family Household																			
Dwellings, Single Family	P	P	P	P	P	P	P	P	P	•	•	•	•	•	Z	A	8.43	R-3	
Dwellings, Duplex	•	P	P	•	•	•	P	•	P	•	•	•	•	•	Z	A	8.42	R-3	
Family Care Home (6 or less)	P	P	P	P	P	P	P	P	P	•	•	•	•	•	Z	A	8.45	I, R	
Manufactured Home	P	P	P	P	P	P	P	•	•	•	•	•	•	•	Z	A	8.65	R-3	
Manufactured Home Park	Z	•	•	•	•	•	•	•	•	•	•	•	•	•	•	A	8.66	Mix	
Multi-Family Residential																			
Group Care Facility	Z	•	•	•	•	•	•	•	•	•	S	P	•	•	•	A	8.55	I, R	
Multi-family Dwelling (3 or more units per lot)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	Z	A	8.75	R-2	
Nursing Home	S	S	S	S	S	•	•	•	•	•	P	P	•	•	Z	A	8.78	B, I	
COMMERCIAL USES																			
Animal Services																			
Animal Shelter	Z	•	•	•	•	•	•	•	•	•	•	•	•	P	•	•	8.11	B	
Animal Training Facility, Military	Z	•	•	•	•	•	•	•	•	•	•	•	•	P	•	•	8.12	B	
Kennels, Overnight	Z	•	•	•	•	•	•	•	•	•	Z	Z	•	P	•	A	8.62	B	
Pet Day Care, Grooming, Obedience Training	Z	•	•	•	•	•	•	•	•	•	P	P	P	•	•	A	8.83	B	
Veterinary Clinic	Z	•	•	•	•	•	P	•	•	•	P	P	P	•	•	A	8.111	B	

CHAPTER 6. TABLE OF USES
SECTION 6.1. PRINCIPAL USE TABLE

PRINCIPAL USE TABLE

P = Permitted by-Right
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• = Not Permitted

Principal Use Type	Zoning Districts [1]																Specific Use Standards	Bldg. Code Class.
	RA	RA-20	RA-40	RA-2	RA-5	RA-USB	RE	GC-SL	GC-WL	PC	B-1	B-2	VB	L	MF-CZ	PD-CZ		
Offices and General Services																		
Beauty / Barber Shop / Nail Salon	•	•	•	•	•	•	•	•	P	•	•	P	P	P	•	A	8.17	B
Bed and Breakfast	Z	Z	Z	Z	Z	Z	•	•	•	•	•	•	•	•	Z	A	8.18	
Dry Cleaning and Laundromat	•	•	•	•	•	•	•	•	P	•	P	P	P	P	•	A	8.41	B
Equestrian Cottage	•	•	•	•	•	•	Z	•	•	•	•	•	•	•	•	A	8.44	
Hotel and Motel	•	•	•	•	•	•	•	•	•	•	•	P	•	•	•	A	8.60	R-1
Office	•	•	•	•	•	•	•	•	•	•	P	P	P	P	•	A	8.79	B
Small Appliance Repair Shop	•	•	•	•	•	•	•	•	•	•	P	P	P	P	•	A	8.100	B
Trade Contractor Office and Workshop	•	•	•	•	•	•	•	•	•	•	Z	P	P	P	•	A	8.107	B, S
Retail Services																		
Auction House	•	•	•	•	•	•	•	•	•	•	P	P	•	P	•	A	8.14	A-3, B
Convenience Store	S	•	•	•	•	•	•	•	P	•	P	P	P	P	•	A	8.35	M
Feed and Seed Sales	S	•	•	•	•	•	S	•	•	•	P	P	•	P	•	A	8.46	B, M
Florist	P	•	•	•	•	•	•	•	•	•	P	P	P	P	•	A	8.48	B
Flea Market	S	•	•	•	•	•	•	•	•	•	Z	P	•	•	•	•	8.47	B, M
Garden Center	•	•	•	•	•	•	•	•	•	•	P	P	P	•	•	A	8.51	M, U
Manufactured or Modular Home Sales	•	•	•	•	•	•	•	•	•	•	•	P	•	P	•	•	8.67	B
Restaurant	•	•	•	•	•	•	•	•	P	•	P	P	P	P	•	A	8.91	A-2
Retail	•	•	•	•	•	•	•	•	•	•	P	P	P	•	•	A	8.92	M
Shopping Centers	•	•	•	•	•	•	•	•	•	•	•	Z	•	S	•	A	8.99	M
Wholesales	•	•	•	•	•	•	•	•	•	•	•	P	S	P	•	A	8.113	M
Vehicle Services																		
Boat & RV Storage	•	•	•	•	•	•	•	•	P	•	•	Z	Z	•	•	•	8.19	S-1
Car Wash or Auto Detailing	•	•	•	•	•	•	•	•	•	•	P	P	P	P	•	A	8.25	B
Commercial Truck Wash	•	•	•	•	•	•	•	•	•	•	S	P	•	P	•	A	8.32	B
Parking Lot as a Principal Use	•	•	•	•	•	•	•	•	•	•	P	P	P	P	Z	A	8.80	S-2
Taxi Service	•	•	•	•	•	•	•	•	•	•	Z	P	•	P	•	A	8.104	B, A-3
Vehicle, Auto Parts, Tires, Farm Equipment, Boat, RV – Sales, Rental, or Service	•	•	•	•	•	•	•	•	•	•	P	P	P	P	•	A	8.108	B, S-1
Vehicle Service Station (Gas Stations)	•	•	•	•	•	•	•	•	•	•	P	P	Z	P	•	A	8.109	M
Vehicle Wrecker Service	•	•	•	•	•	•	•	•	•	•	Z	Z	•	P	•	•	8.110	S-1

CHAPTER 6. TABLE OF USES
SECTION 6.1. PRINCIPAL USE TABLE

PRINCIPAL USE TABLE

P = Permitted by-Right
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• = Not Permitted

Principal Use Type	Zoning Districts [1]																Specific Use Standards	Bldg. Code Class.
	RA	RA-20	RA-40	RA-2	RA-5	RA-USB	RE	GC-SL	GC-WL	PC	B-1	B-2	VB	L	MF-CZ	PD-CZ		
Adult Uses																		
Adult Gaming Establishment	•	•	•	•	•	•	•	•	•	•	•	•	•	S	•	•	8.6	B
Bar / Tavern	•	•	•	•	•	•	•	•	•	•	•	P	S	•	•	A	8.16	A-2
Brewery / Winery	S	•	•	•	•	•	•	•	•	•	•	P	P	P	•	A	8.21	A-2, F
Dance Club / Night Club / Billiards	•	•	•	•	•	•	•	•	•	•	•	P	Z	•	•	•	8.37	A-2, A-3
Distillery	•	•	•	•	•	•	•	•	•	•	•	•	•	P	•	A	8.39	F-1
Massage & Bodywork Therapy	•	•	•	•	•	•	•	•	•	•	P	P	P	P	•	A	8.72	B
Pawn Shop	•	•	•	•	•	•	•	•	•	•	•	P	Z	P	•	•	8.81	B
Sexually Oriented Business	•	•	•	•	•	•	•	•	•	•	•	•	•	S	•	•	8.96	A-2, M
Tattoo Parlor, Body Piercing	•	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•	8.103	B
EDUCATIONAL & INSTITUTIONAL USES																		
Cemetery or Mausoleum, Commercial	S	•	S	S	•	•	S	•	•	•	P	•	•	•	•	•	8.26	n/a
Child Care Facility	S	S	S	S	P	S	S	•	S	•	P	P	S	•	•	A	8.28	E, I
College / Business & Trade School	S	•	•	•	•	•	•	•	•	•	•	P	•	P	•	A	8.31	B
Funeral Home with Crematorium	•	•	•	•	•	•	•	•	•	•	P	P	P	P	•	A	8.50	A-3, B
Government Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Z	A	8.54	B
Hospital	•	•	•	•	•	•	•	S	S	•	•	•	•	•	•	A	8.59	I
Museum / Art Gallery	S	•	•	•	•	•	•	•	•	•	P	P	P	•	•	A	8.76	A-3
Religious Institution	S	•	•	P	P	P	•	S	S	•	P	P	P	•	•	A	8.90	A-3, E
Security Training Facility	S	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	8.95	B
School, Elementary / Middle / High	S	•	•	P	P	P	•	S	S	•	P	P	P	•	•	A	8.94	E
RECREATION USES																		
Airport, Public or Private	S	•	•	•	•	•	•	•	•	•	•	•	•	Z	•	A	8.8	A-3, B
Airstrip, Small Private	S	•	•	•	•	•	•	•	•	•	P	•	•	•	•	A	8.9	B
Assembly Hall	Z	•	•	•	•	•	•	•	Z	•	•	Z	Z	P	•	A	8.13	A-4, A-5
Camp or Care Center	P	•	•	•	•	•	•	•	•	•	•	•	•	•	•	A	8.22	A-3, R-1

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Principal Use Type	Zoning Districts [1]																Specific Use Standards	Bldg. Code Class.
	RA	RA-20	RA-40	RA-2	RA-5	RA-USB	RE	GC-SL	GC-WL	PC	B-1	B-2	VB	I	MF-CZ	PD-CZ		
Campground, Public and Private	P	•	•	•	•	•	•	•	•	•	•	•	•	•	•	A	8.23	A-3, R-1
Camp, Recreation Day	P	•	•	•	•	•	•	•	•	•	•	•	•	•	•	A	8.24	A-3
Civic / Social Club, Lodge, Organization	S	•	•	P	P	P	•	S	S	•	P	P	P	•	•	A	8.30	A-2, A-3
Golf Driving Range	•	•	•	•	•	•	•	S	S	P	•	P	•	•	•	A	8.53	A-3
Golf Course (including par 3)	•	•	•	•	•	•	•	S	S	P	•	P	•	•	•	A	8.52	U
Marina (fuel & supplies)	•	•	•	•	•	•	•	P	P	•	•	•	•	•	•	A	8.71	M
Neighborhood Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Z	A	8.77	U
Recreation, Indoor	•	•	•	•	•	•	•	•	•	•	S	P	S	•	•	A	8.87	A-5
Recreation, Low Impact Outdoor	P	•	P	P	P	P	P	P	P	•	P	P	S	•	•	A	8.88	A-5
Recreation, High Impact Outdoor	Z	•	•	•	•	•	•	•	•	•	•	•	Z	P	•	•	8.89	
Shooting Range, Indoor	Z	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•	8.97	A-5
Shooting Range, Outdoor	Z	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•	8.98	A-5
Zoo / Petting Zoo	Z	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•	8.116	A-5, U
INDUSTRIAL USES																		
Production																		
Manufacturing & Sales, Pottery	P	•	•	•	•	•	•	•	•	•	P	P	P	P	•	•	8.84	F
Manufacturing, Light (no odors or smoke)	•	•	•	•	•	•	•	•	•	•	•	•	•	P	•	A	8.69	F
Manufacturing, General	•	•	•	•	•	•	•	•	•	•	•	•	•	Z	•	•	8.70	F-1, F-2
Utilities / Services																		
Contractors Storage Yard and Office	Z	•	•	•	•	•	•	•	•	•	•	P	•	P	•	•	8.34	S-1, U
Crematorium Facility	•	•	•	•	•	•	•	•	•	•	•	Z	•	P	•	•	8.36	B
Freight Terminal	Z	•	•	•	•	•	•	•	•	•	•	S	•	S	•	•	8.49	S-1, S-2
Public & Private Utility Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Z	A	8.85	U
Solar Collector Facility	•	•	•	•	•	•	•	•	•	•	•	•	•	S	•	•	8.101	U
Antenna Collocation, Major	S	S	S	P	P	P	P	•	•	•	P	P	P	P	Z	A	8.114	U
Antenna Collocation, Minor	P	P	P	P	P	P	P	P	P	•	P	P	P	P	Z	A	8.114	U
Small Wireless Facility	S	S	S	P	P	S	P	P	P	•	P	P	P	P	Z	A	8.114	U
Telecommunications Tower, Major	Z	•	•	•	•	•	•	•	•	•	•	Z	•	Z	•	A	8.114	U

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Principal Use Type	Zoning Districts [1]																Specific Use Standards	Bldg. Code Class.
	RA	RA-20	RA-40	RA-2	RA-5	RA-USB	RE	GC-SL	GC-WL	PC	B-1	B-2	VB	I	MF-CZ	PD-CZ		
Telecommunications Tower, Minor	S	•	•	•	•	•	•	•	•	•	P	P	S	P	Z	A	8.114	U
Warehousing																		
Mini-Warehouse (self service)	•	•	•	•	•	•	•	•	P	•	Z	Z	Z	Z	•	A	8.73	S
Warehousing or Distribution Center	Z	•	•	•	•	•	•	•	•	•	•	S	•	P	•	•	8.112	S-1, S-2
Waste-Related Services																		
Debris Management Facility	Z	•	•	•	•	•	•	•	•	•	Z	•	•	P	•	•	8.38	U
Hazardous Waste / Toxic Chemical Disposal or Processing	•	•	•	•	•	•	•	•	•	•	•	•	•	S	•	•	8.56	U
Landfill	•	•	•	•	•	•	•	•	•	•	•	•	•	S	•	•	8.64	U
Mining / Quarry Operation	Z	•	•	•	•	•	•	•	•	•	•	•	•	S	•	•	8.74	U
Salvage Yard	•	•	•	•	•	•	•	•	•	•	•	•	•	S	•	•	8.93	U
MAJOR SUBDIVISIONS																		
Residential Major Subdivision	•	S	S	•	•	S	•	•	•	•	•	•	•	•	•	•	Ch. 19	
Non-residential Major Subdivision	•	•	•	•	•	•	•	•	•	•	•	S	•	S	•	•	Ch. 19	
NOTES:																		
[1] Land located within the Highway Corridor Overlay District shall be subject to the sub-district-based use related provisions in Section 7.11 of this Ordinance.																		

SECTION 6.2. ACCESSORY USES

A. DEFINITION

An accessory use or building shall be incidental and subordinate to the principal use or building and shall be conducted or located on the same lot. Examples of accessory buildings may include garages, carports, barns, and storage buildings.

B. PROCEDURE FOR ESTABLISHMENT

Accessory uses or structures may be approved in conjunction with the approval of the principal use or subsequently following the establishment of the principal use through the approval of a zoning permit or special use permit, as appropriate. Except for personal workshop/storage buildings, no accessory use or structure shall be approved, established, or constructed before a principal use is approved in accordance with this Ordinance.

C. GENERAL STANDARDS FOR ALL SECONDARY USES AND STRUCTURES

1. PERMITTED ACCESSORY USES AND STRUCTURES

Except for accessory dwellings, permitted accessory uses and structures shall:

- i.** Be clearly incidental to an allowed principal use or structure;
- ii.** Be subordinate to and serve an allowed principal use or structure;
- iii.** Be subordinate in area, extent, and purpose to the principal use or structure; and
- iv.** Contribute to the comfort, convenience, or needs of occupants associated with the principal use or structure.

2. LOCATION OF ACCESSORY USES AND STRUCTURES

- i.** Except on lots in the RA district, accessory buildings shall be located in the rear or side yard. Accessory uses and structures in the RA zoning district may also be located in the front yard, subject to the required accessory building setbacks.
- ii.** Accessory horse stables are permitted in the front or side yard in the RA and RE zoning districts.
- iii.** Except for fences and walls contributing to the screening function of a landscaping buffer, no accessory structure shall be located within a required landscaping area.
- iv.** No accessory use or structure may be located in a required setback except as permitted by this Ordinance.
- v.** No accessory use or structure shall:
 - 01.** Be located within a designated fire lane;
 - 02.** Obstruct required sight distance triangles;
 - 03.** Impede ingress or egress to a lot, site, or principal structure;
 - 04.** Be located above or beneath public utilities (except for fences or walls);
 - 05.** Interfere with drainage or stormwater control measures; or
 - 06.** Be within an emergency access route designated on an approved site plan.
- vi.** Except for authorized stormwater control measures within a drainage easement, no accessory use or structure shall be located within any platted or recorded easement without the prior written consent of the landowner.

3. STRUCTURE HEIGHT

- i.** Accessory structures shall comply with the height requirements for the zoning district where located.
- ii.** Except for agricultural uses, no accessory structure's height shall exceed the height of the principal use.

4. MAXIMUM STRUCTURE SIZE

- i.** No accessory use or structure shall exceed the floor area associated with the principal use or structure it serves.

CHAPTER 6. TABLE OF USES

SECTION 6.2. ACCESSORY USES

D. COMPLIANCE WITH OTHER ORDINANCE REQUIREMENTS

Accessory uses and structures shall conform to the applicable requirements of this Ordinance, including this section, the district standards, the applicable use standards, and the development standards.

E. ACCESSORY USE TABLE

1. If a specific accessory use is allowed by-right, the cell underneath the zoning district is marked with a "P".
2. If a specific accessory use is allowed subject to a special use permit, the cell underneath the zoning district is marked with a "S".
3. A "Z" in a cell of the table indicates that the specific accessory use may only be permitted within a conditional zoning district that is parallel to the listed underlying zoning district (see Chapter 11). The conditional zoning district designation must be in place before the use type may be established.
4. If the accessory use or structure is not allowed in a zoning district, the cell is marked with an "•".
5. In the case of planned development districts, if an accessory use is allowable, it is marked with an "A", and the accessory use must be set out in the approved master plan or terms and conditions document.
6. If there is a reference contained in the column entitled "Specific Use Standards," refer to the cited section(s) for additional standards that apply to the specific accessory use.
7. The accessory use table below may not be inclusive of all possible accessory uses, and in the event an accessory use is proposed that is not listed in the table, the Administrator shall consult the principal use table to determine if the proposed accessory use corresponds to a listed principal use. Any permitted principal use in a zoning district is also permitted as an accessory use. In no instance shall an accessory use be permitted in a zoning district where it is prohibited as a principal use.
8. In the event a proposed accessory use is not listed in the table below and there is no corresponding principal use, the Administrator shall determine how to treat the accessory use in accordance with the standards for unlisted uses (see Section 6.1.G).

ACCESSORY USE TABLE																		
Accessory Use Type	RA	RA-20	RA-40	RA-2	RA-5	RA-USB	RE	GC-SL	GC-WL	PC	B-1	B-2	VB	L	MF-CZ	PD-CZ	Specific Use Standards	Bldg. Code Class.
RESIDENTIAL USES																		
Accessory Dwelling Located within Stick-Built Dwelling	P	P	P	P	P	P	P	•	•	•	•	•	•	•	Z	A	8.1	R
Accessory Dwelling Located within Non-Residential Building	•	•	•	•	•	•	•	•	•	•	P	P	P	•	Z	A	8.2	Mix
Accessory Manufactured Home	P	P	P	P	P	P	P	•	•	•	•	•	•	•	Z	A	8.3	R
Accessory Stick-Built Dwellings	P	P	P	P	P	P	P	•	•	•	•	•	•	•	Z	A	8.4	R
Carport or Garage	P	P	P	P	P	P	P	P	P	•	P	P	P	P	Z	A	6.2	R,S
Home Occupation, Level 1	P	P	P	P	P	P	P	P	P	•	•	•	•	•	Z	A	8.57	R
Home Occupation, Level 2	Z	•	•	Z	Z	•	Z	•	•	•	•	•	•	•	Z	A	8.58	R
Personal Workshop / Storage Building	P	P	P	P	P	P	P	•	•	•	•	•	•	•	Z	A	8.82	R, S
Family Health Care Structure	P	P	P	P	P	P	P	P	P	•	•	•	•	•	•	A		R
COMMERCIAL USES																		
Automatic Teller Machine (ATM)	•	•	•	•	•	•	•	•	•	•	P	P	P	P	•	A	8.15	U
EDUCATIONAL AND INSTITUTIONAL USES																		
Cemetery, Family	P	P	P	P	P	P	P	P	P	•	•	•	•	•	•	A	8.27	n/a
Child Care Home Facility	P	S	P	P	P	S	S	•	•	•	•	•	•	•	•	A	8.29	E, R

CHAPTER 6. TABLE OF USES
SECTION 6.3. TEMPORARY USES

ACCESSORY USE TABLE

Accessory Use Type	RA	RA-20	RA-40	RA-2	RA-5	RA-USB	RE	GC-SL	GC-WL	PC	B-1	B-2	VB	L	MF-CZ	PD-CZ	Specific Use Standards	Bldg. Code Class.
RECREATION USES																		
Accessory Swimming Pool	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Z	A	8.5	A, R
INDUSTRIAL USES																		
Amateur Radio and Receive-only Antennas	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Z	A	8.10	U
Solar Collectors, On-Site Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Z	A	8.102	U

SECTION 6.3. TEMPORARY USES

A. APPLICABILITY

The standards in this section apply to non-permanent uses that take place on a temporary basis whether on the same site or in different locations across the County's planning jurisdiction.

B. PROCEDURE FOR ESTABLISHMENT

Temporary uses or structures may be approved in conjunction with the approval of the principal use or subsequently following the establishment of the principal use through the approval of a zoning permit or special use permit, as appropriate. Temporary uses may take place on vacant lots.

C. GENERAL STANDARDS FOR ALL TEMPORARY USES AND STRUCTURES

All temporary uses and structures shall comply with the following general standards, unless otherwise specified in this Ordinance:

1. GENERAL REQUIREMENTS

An applicant proposing a temporary use or structure shall:

- i. Secure written permission from the landowner;
- ii. Obtain the appropriate permits and licenses from the County and other agencies;
- iii. Comply with the applicable requirements for signs if signage is proposed;
- iv. Meet public utility requirements for proper connection to water, sewer, electrical and other utility service connections, as applicable;
- v. Not violate the applicable conditions of approval that apply to a site or use on the site;
- vi. Not result in a situation where the principal use, if present, fails to comply with the standards of this Ordinance;
- vii. Ensure the site of a temporary use or structure contains sufficient land area for the temporary use and for the parking and traffic movement associated with the temporary use, without impacting environmentally sensitive lands; and
- viii. Ensure temporary uses remain in place no longer than 90 days if located within a special flood hazard area.

2. GENERAL CONDITIONS

In approving a zoning permit for temporary uses or structures, the Administrator is authorized to impose any of the following general conditions upon the premises benefited by the permit as may be necessary to reduce or minimize any potential adverse impacts upon other property in the area, as long as the condition relates to a situation created or aggravated by the proposed temporary use. The Administrator is authorized, where appropriate, to require:

- i. Provision of temporary parking facilities, including vehicular access and egress;

CHAPTER 6. TABLE OF USES

SECTION 6.3. TEMPORARY USES

- ii. Control of nuisance factors, such as but not limited to, the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, and heat;
- iii. Prohibition of the storage or use of hazardous materials;
- iv. Regulation of placement, height, size, and location of equipment;
- v. Provision of sanitary and medical facilities;
- vi. Provision of solid waste collection and disposal;
- vii. Provision of security and safety measures;
- viii. Use of an alternate location or date;
- ix. Modification or elimination of certain proposed activities; and
- x. Regulation of operating hours and days, including limitation of the duration to a shorter time period than requested or specified in this subsection.

D. TEMPORARY USE TABLE

1. If a specific temporary use is allowed by-right, the cell underneath the zoning district is marked with a "P".
2. If a specific temporary use is allowed subject to a special use permit, the cell underneath the zoning district is marked with a "S".
3. If the temporary use or structure is not allowed in a zoning district, the cell is marked with an "•".
4. In the case of planned development districts, if an temporary use is allowable, it is marked with an "A", and the temporary use must be set out in the approved master plan or terms and conditions document.
5. If there is a reference contained in the column entitled "Specific Use Standards," refer to the cited section(s) for additional standards that apply to the specific temporary use.
6. The temporary use table below may not be inclusive of all possible temporary uses, and in the event an temporary use is proposed that is not listed in the table, the Administrator shall consult the principal and accessory use tables to determine if the proposed temporary use corresponds to a listed principal or accessory use. In no instance shall an temporary use be permitted in a zoning district where it is prohibited as a principal or accessory use.
7. In the event a proposed temporary use is not listed in in the table below and there is no corresponding principal or accessory use, the Administrator shall determine how to treat the temporary use in accordance with the standards for unlisted uses (see Section 6.1.G).

TEMPORARY USE TABLE																		
Temporary Use Type	RA	RA-20	RA-40	RA-2	RA-5	RA-USB	RE	GC-SL	GC-WL	PC	B-1	B-2	VB	I	MF-CZ	PD-CZ	Specific Use Standards	Bldg. Code Class.
Construction Office, Temporary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Z	A	8.33	S-1
Drop-In Child Care Facility	•	•	•	•	•	•	•	•	•	•	P	P	P	•	•	A	8.40	
Itinerant Merchant	•	•	•	•	•	•	•	•	•	•	P	P	P	P		A	8.61	n/a
Land Clearing	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Z	A	8.63	F-1
Manufactured Home or RV, Temporary	P	P	P	P	P	P	P	•	•	•	•	•	•	•	•	A	8.68	R-3
Real Estate Offices, Temporary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Z	A	8.86	S-1
Temporary Events (Special Event)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Z	A	8.105	n/a
Temporary Family Health Care Structure	P	P	P	P	P	P	P	P	P	•	•	•	•	•	Z	A	8.106	R, I
Yard Sales, Residential and Civic	P	P	P	P	P	P	P	P	P	•	P	P	•	•	•	A	8.115	n/a

SECTION 6.4. PROHIBITED USES**A. USES PROHIBITED COUNTYWIDE**

- 1.** The following use types are not listed in the principal use table, and are prohibited throughout the County's planning jurisdiction in all zoning districts.
- 2.** In cases where one or more of these uses is lawfully established and in operation prior to November 15, 2022, the use shall be subject to the provisions in Chapter 9.
 - i.** Outdoor advertising or billboards, except where prohibition is preempted by State or federal law. Outdoor advertising lawfully established prior to November 15, 2022, may be permitted to continue as a nonconforming use only in accordance with Article 5. Nonconformities, and NCGS Section 160D-912.
 - ii.** Acetylene gas manufacture;
 - iii.** Acid manufacture;
 - iv.** Ammonia, bleaching powder, or chlorine manufacture;
 - v.** Biohazard or infectious waste storage or incineration;
 - vi.** Cellophane manufacture;
 - vii.** Creosote manufacture or treatment plants;
 - viii.** Distillation of bones, coal, petroleum, refuse, tar, or wood;
 - ix.** Glue and size manufacture;
 - x.** Nitrogenous tankage, fish meal or manufacture of any fertilizer materials carrying an objectionable odor;
 - xi.** Oilcloth or linoleum manufacture;
 - xii.** Ore reduction;
 - xiii.** Vinegar manufacturing.
 - xiv.** Use of a boat, houseboat, or other floating structure as a temporary or permanent residence (this shall not prevent the overnight occupancy of a vessel temporarily moored while in transit on navigable waters); and
 - xv.** Use of a recreational vehicle as a permanent residence.

B. USES PROHIBITED IN SPECIAL FLOOD HAZARD AREAS

- 1.** The following uses are prohibited in designated floodways:
 - i.** Buildings, including manufactured homes; and
 - ii.** Any use that would cause any increase in base flood levels.
- 2.** The following development is prohibited in designated floodplains due to the North Carolina Flood Act of 2000:
 - i.** New solid waste disposal facilities;
 - ii.** New hazardous waste management facilities;
 - iii.** New salvage or junkyards; and
 - iv.** New chemical storage facilities.

MEMORANDUM TO THE PLANNING BOARD

FROM: Debra Enslinger
Planning Director

DATE: June 30, 2023

SUBJECT: Conventional Rezoning Residential and Agricultural – 40 (RA-40) to
Residential and Agricultural -2 (RA-2) – 270 McDuffie Lane

PRESENTER: Debra Enslinger

REQUEST

A request for a Conventional Rezoning of one parcel of approximately 2.79 acres, located on 270 McDuffie Lane, from Residential and Agricultural – 40 (RA-40) to Residential and Agricultural – 2 (RA-2) owned by Vass American Legion Post 296, Inc. per the Articles of Merger of McDuffie Post 303, Inc. into Vass American Legion Post 296, Inc. recorded with the Secretary of State as SOSID: 1330021, Deed Book 189, Page 202 and further described as Parcel ID 00022641 in Moore County tax records.

Public notification consisted of publishing a legal notice in the local newspaper for two consecutive weeks, notification by certified mail to adjacent property owners, and placing public hearing signs on the property.

BACKGROUND

The subject property was donated to the American Legion in 1953 and has remained an American Legion post since. The subject property contains a structure used for gatherings of the American Legion and wooded areas. Adjacent properties include wooded areas, lakes, and a single-family dwelling. The current RA-40 zoning district does not permit the use of a Civic/Social Club, Lodge, & Organization (Private Non-Profit), as defined in Section 8.30 of the Moore County Unified Development Ordinance. The use is currently considered a legal nonconforming use, which may be continued until it is intentionally and voluntarily discontinued, for a period of two years. The use of a Civic/Social Club, Lodge, & Organization (Private Non-Profit) is permitted by right in the RA-2 zoning district. The requested rezoning would bring the existing use into conformity with the Moore County UDO.

The subject property is at the end of McDuffie Ln., a private soil road located off of Hoffman Rd. It is approximately 1.4 miles south of the intersection of Hoffman Rd. and NC 211 Hwy. and is on the border of Foxfire Village limits.

The NCDOT Annual Average Daily Traffic Count on Hoffman Rd near McDuffie Ln is 3,900 trips per day (2021).

The subject property is within a half-mile of a Voluntary Agricultural District. The parcel is within the Lumber River Drowning Creek WS-IIP watershed which limits single-family residential development to an average of 1 dwelling unit / 1 acre per project and limits non-residential development to 12% built-upon area. The parcel is also located within a High Quality Watershed.

ZONING DISTRICT COMPATIBILITY

The requested rezoning to RA-2 is consistent with the existing uses located near the property including residential and agricultural uses. Zoning districts adjacent to the property include Residential and Agricultural – 5 (RA-5) and Foxfire’s RA zoning district (FF: RA).

CONSISTENCY WITH THE 2013 MOORE COUNTY LAND USE PLAN

The Future Land Use Map identifies the property as Rural Agricultural. The requested rezoning to RA-2 is compatible with the Rural Agricultural classification as defined in the Moore County Land Use Plan.

The Land Use Plan states the Rural Agricultural classification’s primary use of land is to support rural residential life associated with agricultural uses (e.g. row crops, forestry, horticulture, grazing, poultry, dairy, swine operations, and intensive agricultural uses in certain areas) and other rural activities. Further, the Land Use Plan states that Major subdivisions of land are strongly discouraged; however, family subdivisions and subdivisions of four or less lots would be considered.

The Moore County Unified Development Ordinance states the Residential and Agricultural -2 (RA-2) district is a district 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.

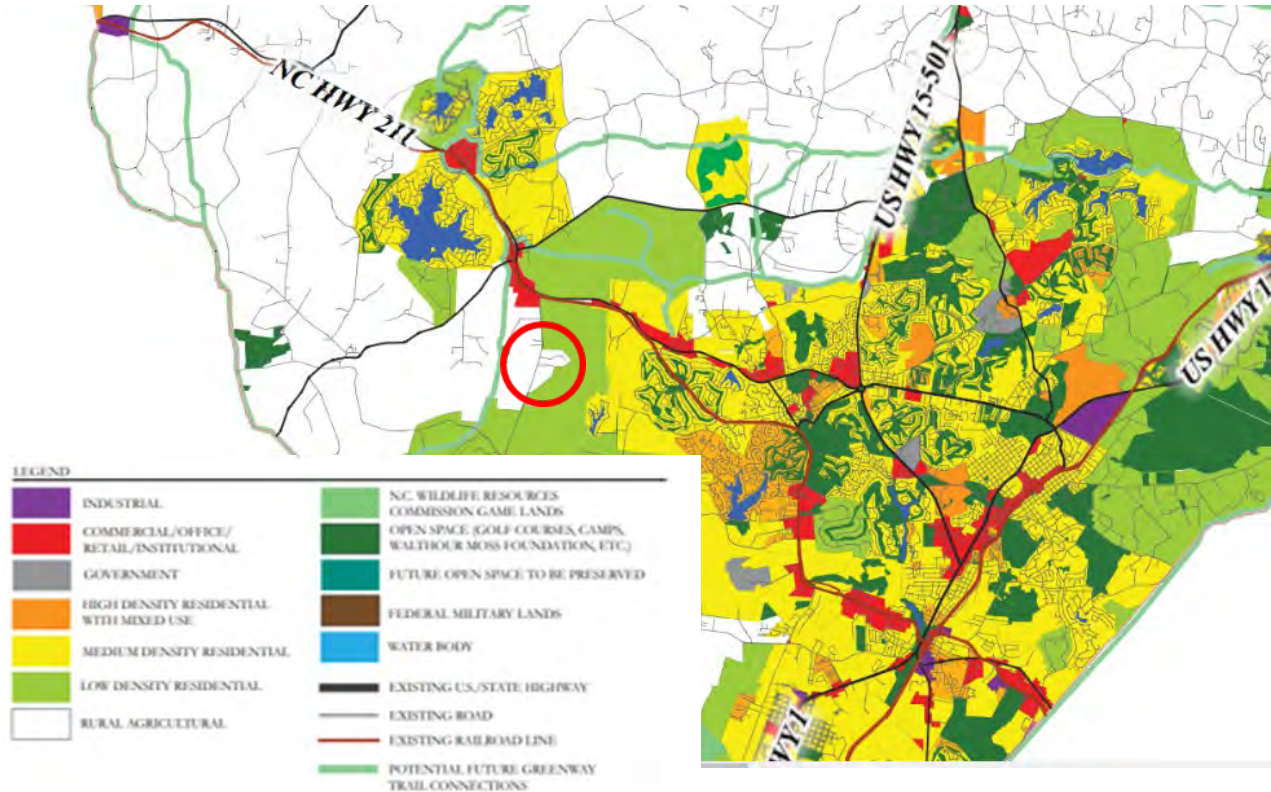
The rezoning request aligns with the following Goals, Recommendations, and Actions as included in the attached Land Use Plan Consistency Statement, including:

Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around municipalities).

- Recommendation 1.6: Preserve and maintain the rural character of Moore County, including historic sites and structures, crossroad communities, and other physical features that reflect the County’s heritage. Action 1.6.2: Develop land use policies that encourage the conservation and maintenance of significant crossroad communities, historic sites and structures, and other physical landmarks.

- o The requested rezoning will bring the existing American Legion post into a conforming status, which will help to preserve this historic structure.

MOORE COUNTY FUTURE LAND USE MAP



RECOMMENDATION

Staff recommends the Moore County Planning Board make two separate motions:

Motion #1: Make a motion to adopt the attached **Approval** or **Denial** Moore County Planning Board Land Use Plan Consistency Statement and authorize its Chairman to execute the document as required by North Carolina General Statute 160D-604.

Motion #2: Make a motion to recommend **Approval** or **Denial** to the Moore County Board of Commissioners of the Conventional Rezoning of one parcel of approximately 2.79 acres, located on 270 McDuffie Lane, from Residential and Agricultural – 40 (RA-40) to Residential and Agricultural – 2 (RA-2) owned by Vass American Legion Post 296, Inc. per the Articles of Merger of McDuffie Post 303, Inc. into Vass American Legion Post 296, Inc. recorded with the Secretary of State under SOSID: 1330021, Deed Book 189, Page 202 and further described as Parcel ID 00022641 in Moore County tax records.

SUPPORTING ATTACHMENTS

- Pictures of the property and adjacent properties

- Planning Board Consistency Statement – Approval
- Planning Board Consistency Statement – Denial
- Vicinity Map
- Land Use Map
- Zoning Map
- Municipal Zoning Map
- Landmarks Map
- Rezoning Application and Rezoning Map
- SOSID: 1330021
- Deed Book 189, Page 202
- Plat Cabinet 5, Slide 793
- UDO Chapter 6. Table of Uses

VIEW OF THE SUBJECT PROPERTY



ALTERNATE VIEW OF THE SUBJECT PROPERTY



PORTION OF THE SUBJECT PROPERTY



PORTION OF THE SUBJECT PROPERTY



PORTION OF THE SUBJECT PROPERTY



VIEW ACROSS HOFFMAN RD FROM MCDUFFIE LN



VIEW OF HOFFMAN RD LOOKING NORTH



VIEW OF HOFFMAN RD LOOKING SOUTH



VIEW OF NEARBY PROPERTY AT 135 MCDUFFIE LN



ALTERNATE VIEW OF NEARBY PROPERTY AT 135 MCDUFFIE LN



Moore County Planning Board
Land Use Plan Consistency Statement
Conventional Rezoning RA-40 to RA-2 270 McDuffie Lane

The Moore County Planning Board finds that:

The proposed conventional rezoning is consistent with the following goal as listed in the 2013 Moore County Land Use Plan:

1. It is consistent with Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around municipalities).
 - Recommendation 1.6: Preserve and maintain the rural character of Moore County including historic sites and structures, crossroad communities, and other physical features that reflect the County's heritage. Action 1.6.2: Develop land use policies that encourage the conservation and maintenance of significant crossroad communities, historic sites and structures, and other physical landmarks.
 - o The requested rezoning will bring the existing American Legion post into a conforming status, which will help preserve this historic structure.

The proposed conventional rezoning is reasonable and in the public interest because:

1. It supports the current 2013 Moore County Land Use Plan goals and recommendations listed above.
2. The subject property is surrounded by Residential and Agricultural – 5 zoning. The requested rezoning to Residential and Agricultural – 2 will be more consistent with the surrounding area than the current zoning.

Therefore, the Moore County Planning Board recommends **APPROVAL** of the conventional rezoning, as proposed.

Joe Garrison, Chair
Moore County Planning Board

Date

Moore County Planning Board
Land Use Plan Consistency Statement
Conventional Rezoning RA-40 to RA-2 270 McDuffie Lane

The Moore County Planning Board finds that:

The proposed conventional rezoning is not consistent with the following goal as listed in the 2013 Moore County Land Use Plan:

1. It is not consistent with Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around municipalities).
 - Recommendation 1.8: Discourage undesirable or unattractive land uses, especially within high visibility areas.
 - o The requested RA-2 zoning district allows a slightly wider range of uses than the existing RA-40 zoning district including religious institutions, schools, and civic/social club, lodge, organizations.

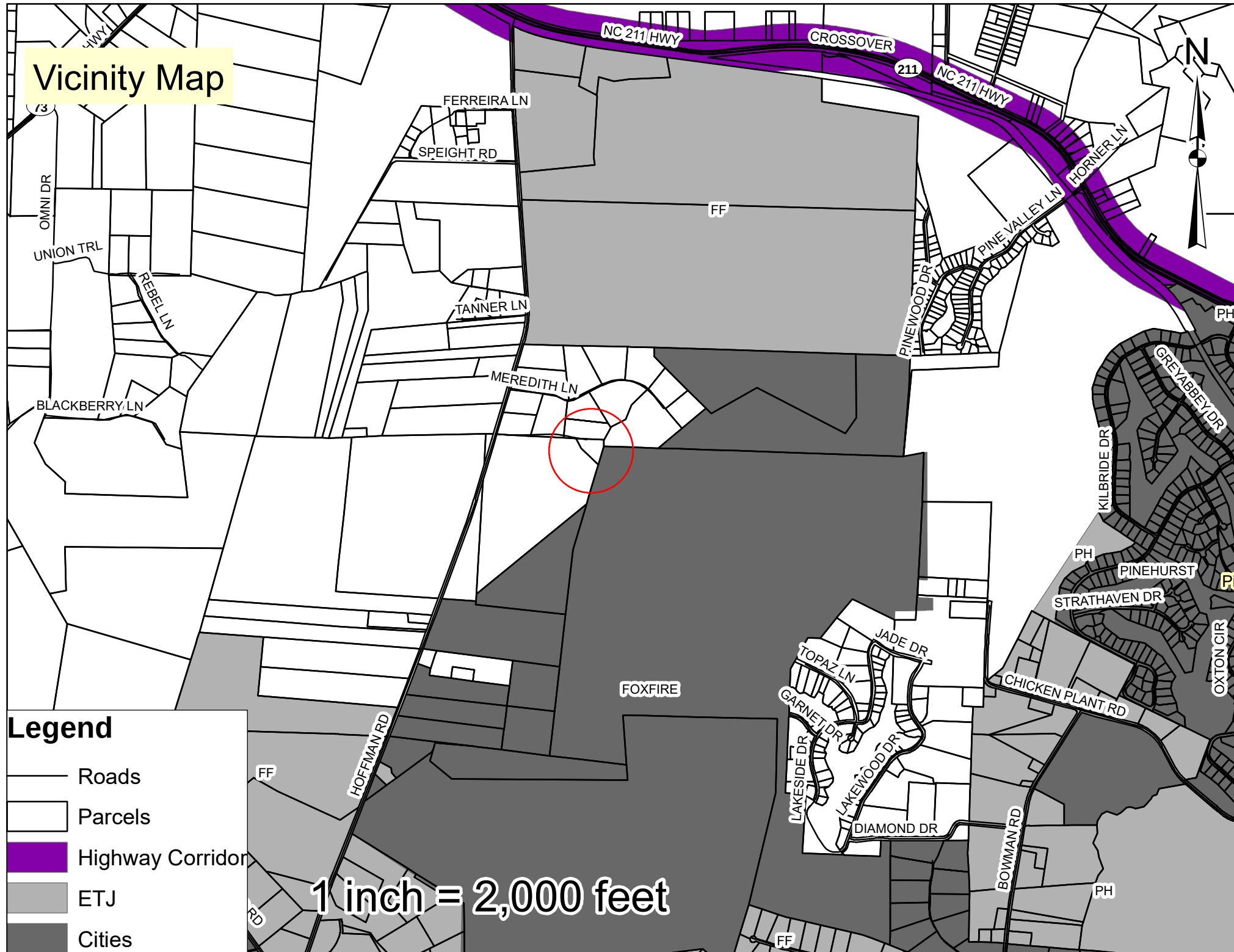
The proposed conventional rezoning is not reasonable and not in the public interest because the proposed conventional rezoning will have an unreasonable impact on the surrounding community.

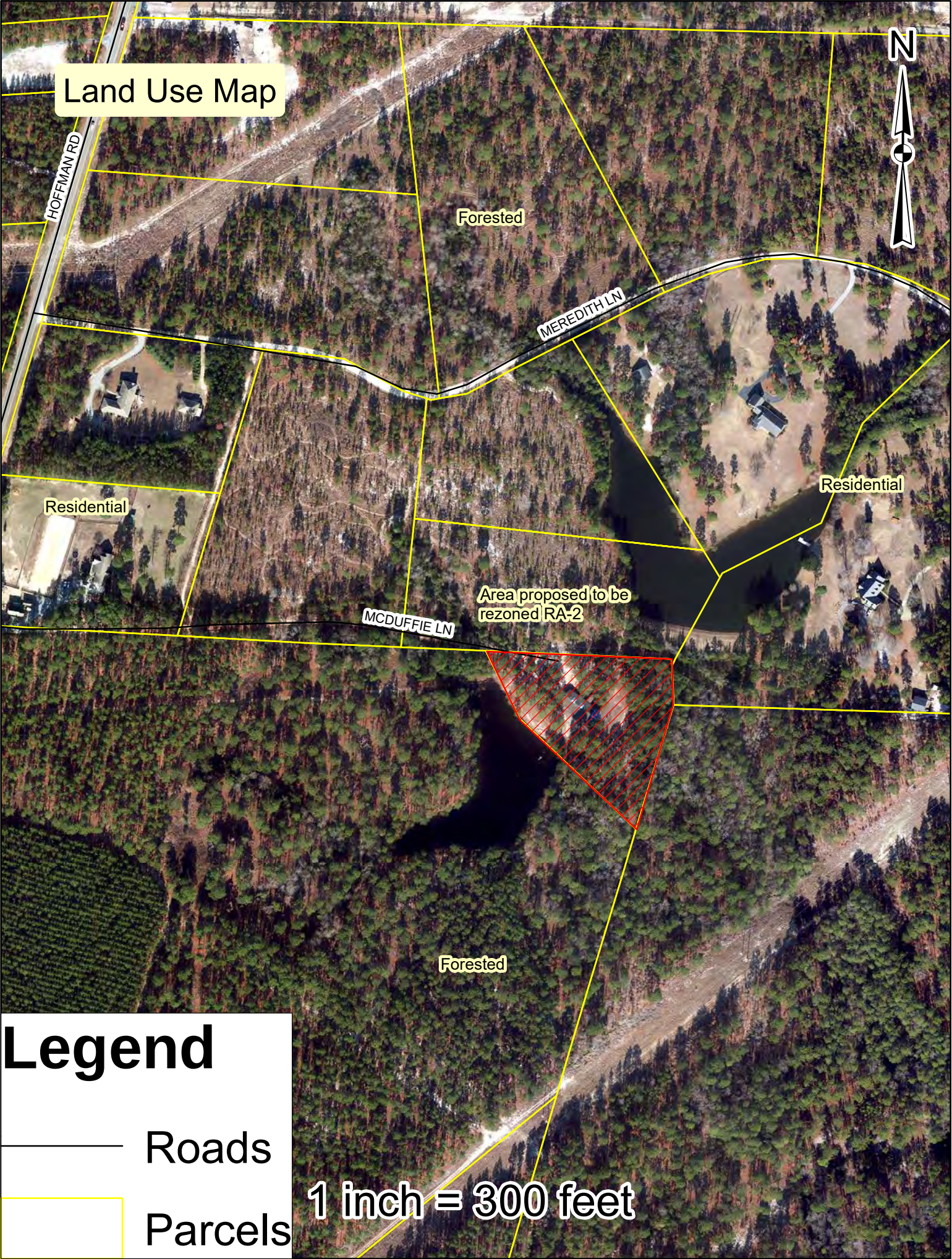
Therefore, the Moore County Planning Board recommends **DENIAL** of the conventional rezoning, as proposed.

Joe Garrison, Chair
Moore County Planning Board

Date

Vicinity Map





Land Use Map



Forested

MEREDITH LN

Residential

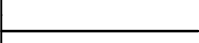
Residential

Area proposed to be
rezoned RA-2

MCDUFFIE LN

Forested

Legend

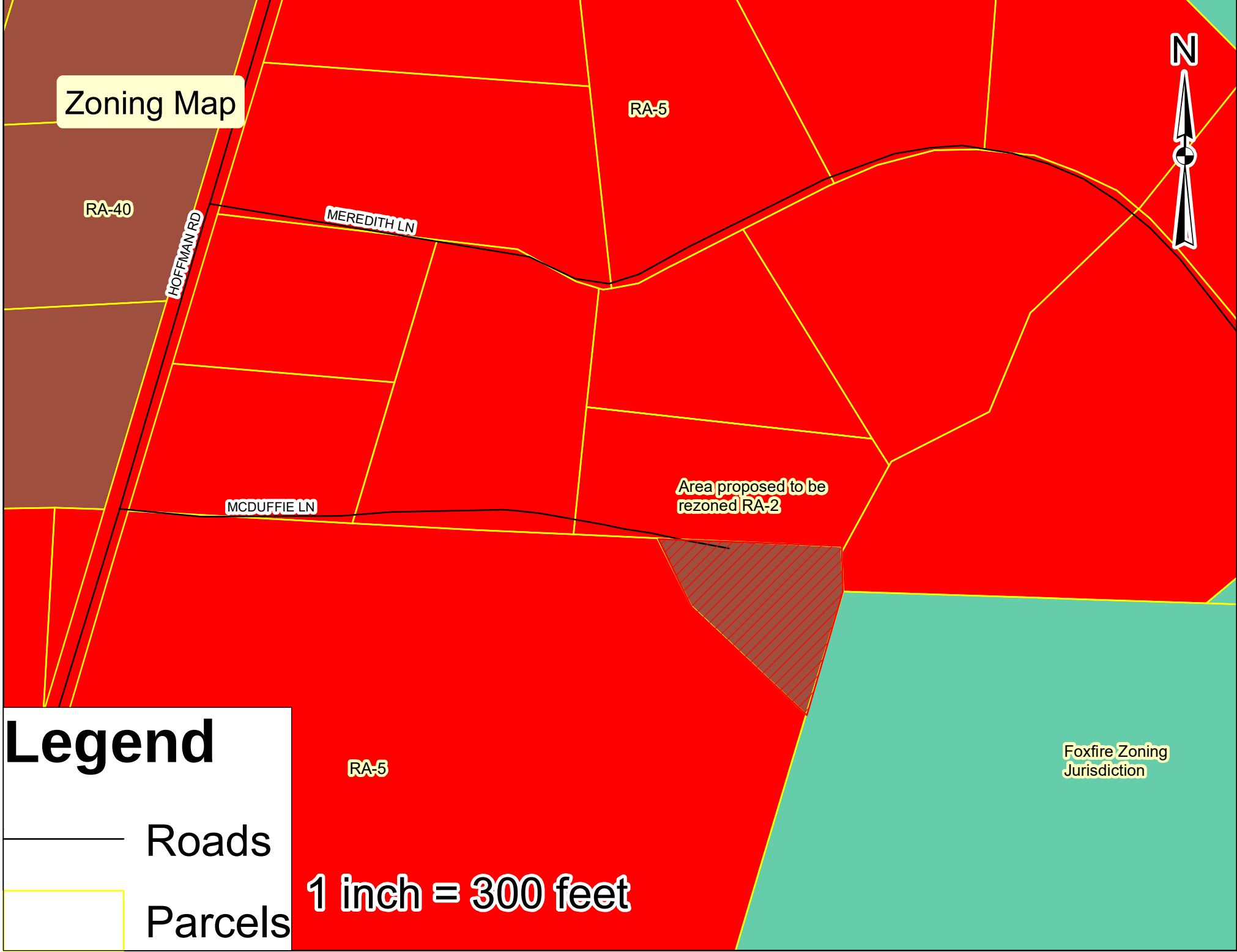


Roads



Parcels

1 inch = 300 feet



Zoning Map

RA-40

RA-5

MEREDITH LN

HOFFMAN RD

MCDUFFIE LN

Area proposed to be
rezoned RA-2

RA-5

Foxfire Zoning
Jurisdiction

Legend

Roads

Parcels

1 inch = 300 feet

Municipal Zoning Map



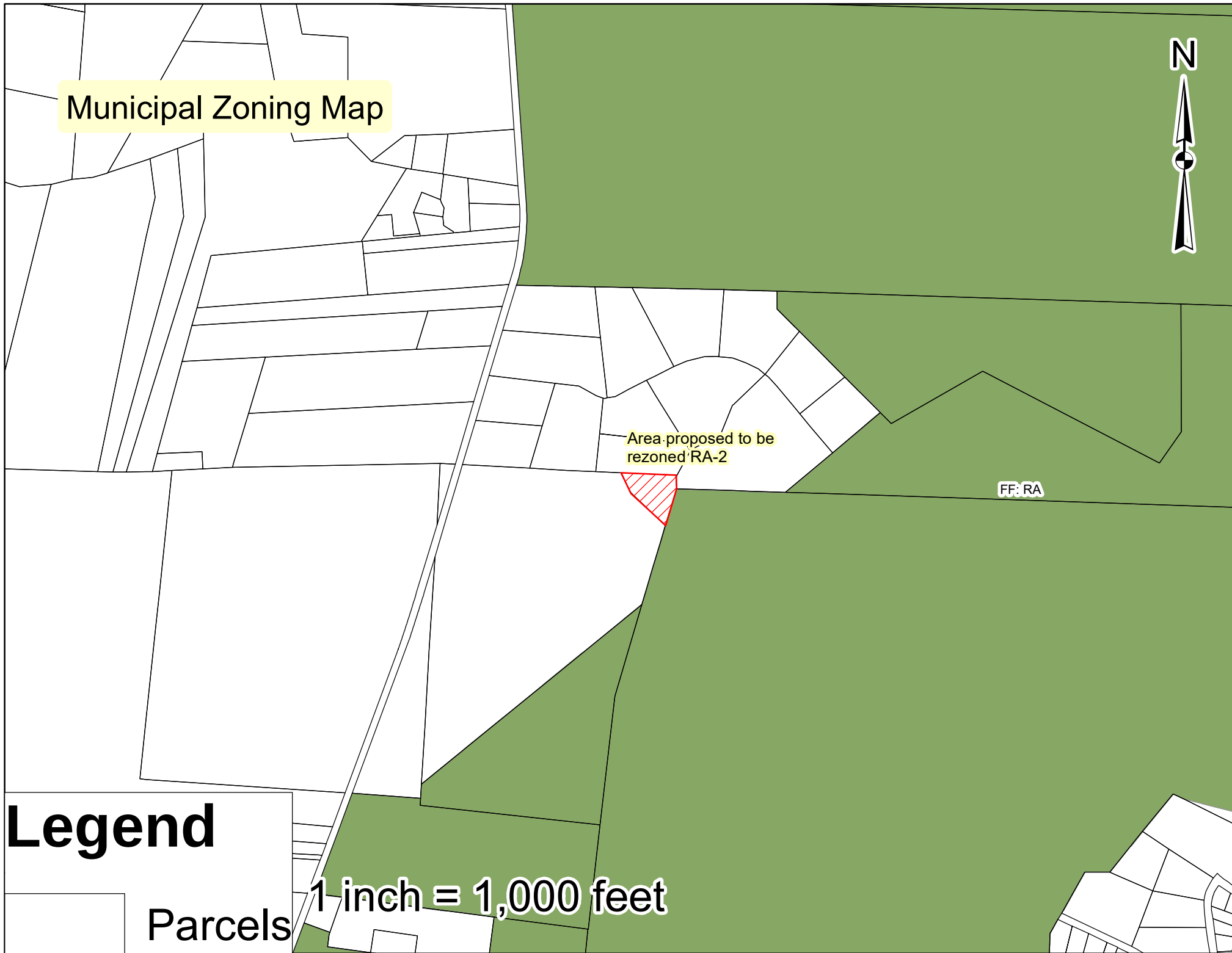
Area proposed to be
rezoned RA-2

FF: RA

Legend

Parcels

1 inch = 1,000 feet



Landmarks Map

Seven Lakes West

Jackson Springs

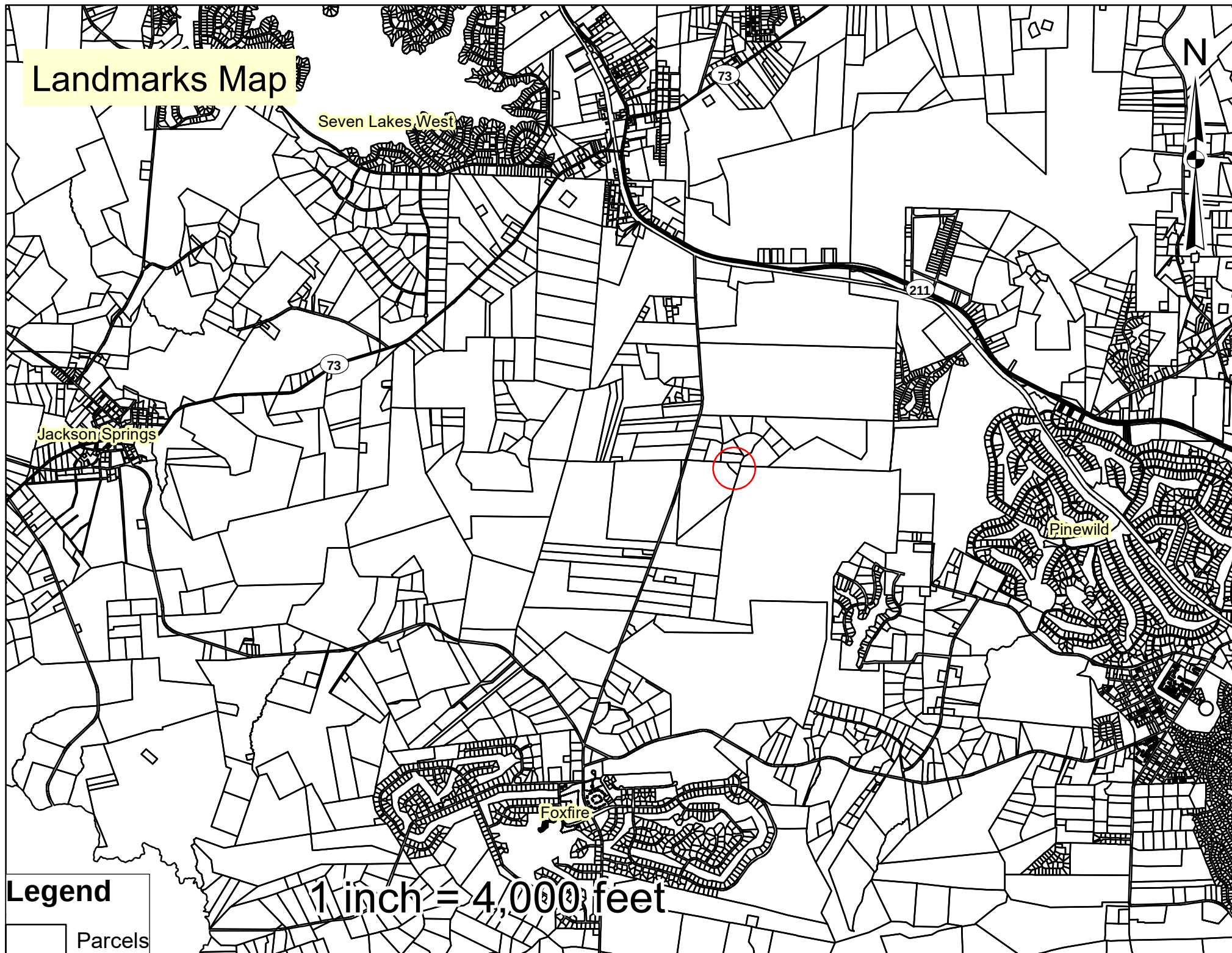
Pinewild

Foxfire

Legend

Parcels

1 inch = 4,000 feet





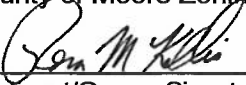
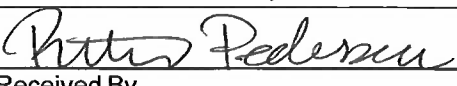
County of Moore Planning and Inspections

Inspections/Permitting: (910) 947-2221

Planning: (910) 947-5010

Fax: (910) 947-1303

CONVENTIONAL REZONING APPLICATION

Application Date: 5/10/2023		
Location/Address of Property: 270 McDuffie Lane, West End, NC 27376		
Applicant: Rora M. Kellis		Phone: (910) 603-1318
Applicant Address: 2960 US 1 Hwy	City: Vass	St: NC Zip: 28394
Owner: Vass American Legion Post 296, Inc.		Phone: (910) 603-1318
Owner Address: 2960 US 1 Hwy	City: Vass	St: NC Zip: 28394
Current Zoning District: RA-40	Proposed Zoning District: RA-2	
Comments: The property was donated to the American Legion in 1953 and dedicated to the memory of the McDuffie brothers who were killed in Europe in WWII. Through the years, it has been evolved into a non-conforming use in a RA-40 zone that is surrounded by RA-5 zoning. Our property is only 2.79 acres, so we would not qualify as RA-5, which requires 5 acres. If the property had originally been zoned as RA-2, we would be a conforming use. Our request is based on the fact that the current zoning of the property inexplicably created the non-conformance and is therefore inconsistent with Rule 1 of the Land Use Plan which speaks to the preservation and protection of "the Ambiance and Heritage of the County of Moore." We hope to attain compliance with county zoning and restore this nearly 70-year-old institution in Moore County.		
I (We), the undersigned, certify that all statements furnished in this application are true to the best of my (our) knowledge, and do hereby agree to follow all reasonable requests for information as designated by the County of Moore Zoning Administrator.		
		5/10/2023
Applicant/Owner Signature		Date
Applicant/Owner Signature		Date
Office Use Only:		
PAR ID: 00022641		
		5/26/23
Received By		Date

270 McDUFFIE LANE



CURRENT ZONING:



AERIAL:



Courtesy Moore County, NC GIS.



American Legion Post 296, Inc.

2960 US 1 Highway

Vass, North Carolina 28394



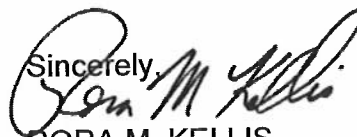
May 10, 2023

To Whom It May Concern,

The officers for American Legion Post 296, Inc. for the current membership year are:

Commander: Matthew S. Litzinger
Vice Cdr: William S. Webb
Adjutant/Historian: Rora M. Kellis
Finance Officer: Helen Kellis
Service Officer: Garry Belen
Chaplain: Michael Nelsen
Sgt at Arms: Tommy Thompson
Judge Advocate: Vacant
Ex-Com at Large: Louisa Frazier

If further information is needed, please contact me by phone at 910-603-1318 or by email at rmkellis@live.com.

Sincerely,


RORA M. KELLIS
NC Post 296
Adjutant



NORTH CAROLINA

Department of the Secretary of State

To all whom these presents shall come, Greetings:

I, ELAINE F. MARSHALL, Secretary of State of the State of North Carolina, do hereby certify the following and hereto attached to be a true copy of

ARTICLES OF MERGER

OF

MCDUFFIE POST 303, INC.

INTO

VASS AMERICAN LEGION POST 296, INC.

the original of which was filed in this office on the 10th day of November, 2021.



Scan to verify online.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at the City of Raleigh, this 10th day of November, 2021.

Elaine F. Marshall

Secretary of State

State of North Carolina
Department of the Secretary of State

SOSID: 1330021
Date Filed: 11/10/2021 12:17:00 PM
Elaine F. Marshall
North Carolina Secretary of State
C2021 313 00215

ARTICLES OF MERGER

Pursuant to North Carolina General Statute Sections 55-11-05(a), 55-11-12, 55A-11-09(d), 55A-11-04, 57D-9-42, 59-73.32(a) and 59-1072(a), as applicable, the undersigned entity does hereby submit the following Articles of Merger as the surviving business entity in a merger between two or more business entities.

1. The name of the surviving entity is Vass American Legion Post 296, Inc., a (check one)
☐ corporation, ☒ nonprofit corporation, ☐ professional corporation, ☐ limited liability company,
☐ limited partnership, ☐ partnership, ☐ limited liability partnership organized under the laws of
North Carolina (state or country).

2. The address of the surviving entity is:

Street Address: 2960 US 1 Hwy City: Vass
State: North Carolina Zip Code: 28394 County: Moore

- (a) (Complete only if the surviving business entity is a foreign business entity that is not authorized to transact business or conduct affairs in North Carolina.) The mailing address of the surviving foreign business entity is:

Street Address: _____ City: _____
State: _____ Zip Code: _____ County: _____

The Surviving foreign business entity will file a statement of any subsequent change in its mailing address with the North Carolina Secretary of State.

3. For each merging entity: (if more than one, complete on separate sheet and attach.)

The name of the merged entity is McDuffie Post 303, Inc., a (check one)
☐ corporation, ☒ nonprofit corporation, ☐ professional corporation, ☐ limited liability company,
☐ limited partnership, ☐ partnership, ☐ limited liability partnership organized under the laws of
North Carolina (state or country).

The mailing address of each merging entity is: (if more than one, complete on separate sheet and attach)

Street Address: 3674 Murdocksville Rd City: West End
State: NC Zip Code: 27376 County: Moore

4. If the surviving business entity is a domestic business entity, the text of each amendment, if any, to the Articles of Incorporation, Articles of Organization, or Certificate of Limited Partnership within the Plan of Merger is attached.

5. A Plan of Merger has been duly approved in the manner required by law by each of the business entities participating in the merger. See Attachment A

Provide the information in Items 6 and 7 below for a merger between a parent unincorporated entity and a subsidiary corporation or corporations. (§55-11-12)

6. The terms and conditions of the merger are attached. (§55-11-12 mergers only)
7. Information concerning the manner and basis of converting the interests in each merging business entity into interests, obligations, or securities of the surviving business entity, or into cash or other property in whole or in part, or of cancelling the interests is attached. (§55-11-12 mergers only)
8. These articles will be effective upon filing unless a delayed date and/or time is specified

This the _____ day of _____, 20____.

VASS AMERICAN LEGION POST 296, INC

Name of Entity

[Signature]

Signature

RORA M KELLS ADJUTANT

Type or Print Name and Title

NOTES:

1. Filing fee is \$50 for For-profit entities.
2. Filing fee is \$25 when the surviving business entity is a Non-profit corporation.
3. This document must be filed with the Secretary of State. Certificate(s) of Merger must be registered pursuant to the requirements of N.C.G.S. Section 47-18.1

Attachment A

The merger of these 2 American Legion Posts, and the cancellation of the charter for McDuffie Post 303, Inc. is effective on the approval by the Internal Affairs Commission of The American Legion Department of North Carolina.

Pursuant to the merger, all remaining assets of McDuffie Post 303, Inc. are transferred to Vass American Legion Post 296, Inc., as agreed by both Posts, the Internal Affairs Commission of the American Legion Department of North Carolina and the Department Executive Committee (the Board of Directors) of The American Legion Department of North Carolina.

In addition, all liabilities incurred McDuffie Post 303, Inc. have been settled and their charter cancelled for merger with Vass American Legion Post 296, Inc., as required per the procedures of The American Legion.

NORTH CAROLINA
MOORE COUNTY

THIS DEED made this 10 day of December, 1953, by T. C. Auman and wife, Sally Watts Auman, of Moore County, North Carolina, parties of the first part, to W. A. Johnson, Jr., F. Earl Auman, North Lewis, Jake Willcox, and Robert C. Clark, as Trustees of the McDuffie Post 303 American Legion, West End, North Carolina, parties of the second part.

W I T N E S S E T H :

THAT said parties of the first part in consideration of the sum of Ten Dollars and other valuable considerations to them paid by the parties of the second part, the receipt of which is hereby acknowledged, have bargained and sold, and by these presents do grant, bargain, sell and convey to said parties of the second part and their successors in office, a certain tract or parcel of land in Moore County, North Carolina, lying about one-half mile east of the Hoffman Road about three miles south from West End, and described as follows:

BEGINNING at an iron stake, Bob VonCanon's corner, running thence South 16-15 West 332.3 feet to a stake; thence North 43-15 West 428 feet to a stake; thence North 23 West 189 feet to a stake; thence South 84-45 East 474 feet to a stake; thence South 3-45 West 127.5 feet to the beginning, containing 2.82 acres, more or less. Being a part of Lot No. 2 of the F. C. Caviness property recorded in Map Book No. 3 at pages 18 and 19 in the Office of the Register of Deeds of Moore County.

TO HAVE AND TO HOLD the aforesaid tract or parcel of land, and all privileges and appurtenances thereunto belonging unto the said parties of the second part and their successors in office.

If it is understood and agreed that if said American Legion organization, or any American Legion organization succeeding it, should cease to exist, and said property should cease to be used for the purposes of American Legion activities, said property shall be sold by the Trustees of the American Legion organization last using the property; said Trustees, whether or not their office as such has actually expired, are expressly authorized in their capacity as Trustees, and without the joinder of their wives, to advertise said property for public sale by giving thirty days notice posted at the Court House door and publish

... a week for four successive weeks in a Moore County newspaper,
... to sell said property and make and deliver deed to the highest
... purchaser at such sale immediately without the necessity of the sale
... remaining open for any advanced or upset bid.

Said Trustees making such sale, after deducting any expenses
connected therewith, shall divide the proceeds of the sale equally
between and among the Jackson Springs Presbyterian Church, the West End
Presbyterian Church, the West End Methodist Church, and the West End
Baptist Church.

And the said parties of the first part for themselves and
their heirs, executors and administrators, covenant with said parties
of the second part, and their successors in office, that they are
seized of said premises in fee and have right to convey in fee simple;
that the same are free and clear from all encumbrances and that they
do hereby forever warrant and will forever defend the said title to the
same against the claims of all persons whomsoever.

IN TESTIMONY WHEREOF, the said parties of the first part have
hereunto set their hands and seals, the day and year first above written.

T. C. Auman (SEAL)
Reily Watts Auman (SEAL)

NORTH CAROLINA
MOORE COUNTY

I, Paul A. Canon, a Notary Public in and for said
County and State, do hereby certify that T. C. Auman and wife, Sally
Watts Auman, personally appeared before me this day and acknowledged
the execution of the foregoing Deed.

Witness my hand and notarial seal, this 12th day of

December, 1953.

and for registration this 30 day

of Dec 1953, at 4:15

o'clock P.M.

BESSIE J. GRIFFIN, Register of Deeds

Paul A. Canon
Notary Public
My commission expires Feb 15 1954

NORTH CAROLINA, Moore County:

The foregoing certificate of Paul

Canon, N.P.
County.

is adjudged to be correct. Let the
instrument with the certificate be
registered. This Dec 30 1953

Bessie J. Griffin
Clerk Superior Court.

CHAPTER 6. TABLE OF USES

SECTION 6.1. PRINCIPAL USE TABLE

The use table below lists the range of allowable principal uses, the zoning districts where they are permitted, and the type of application approval necessary from the County for the use to be established. The following application types are listed in the table:

A. PERMITTED USES

A “P” in a cell of the table indicates that the specific use type is permitted in the corresponding zoning district, subject to any referenced use standards identified in the table and issuance of a zoning permit (see Chapter 4) by the Administrator.

B. SPECIAL USES

An “S” in a cell of the table indicates that the specific use type may only be permitted in the corresponding zoning district following approval of a special use permit by the Board of Commissioners (see Chapter 12). Special uses are subject to any referenced use standards identified in the table and may be subject to additional conditions deemed necessary by the Board of Commissioners.

C. CONDITIONAL ZONING

A “Z” in a cell of the table indicates that the specific use type may only be permitted within a conditional zoning district that is parallel to the listed underlying zoning district (see Chapter 11). The conditional zoning district designation must be in place before the use type may be established.

D. PLANNED DEVELOPMENT DISTRICT

1. An “A” in a cell of the principal use table indicates that the specific use type is permitted in a planned development district, provided the specific use type is included in the list of potential use types in the master plan or terms and conditions document.
2. If a use type is listed as prohibited in a planned development district it may not be included in a master plan or terms and conditions document.

E. USE NOT PERMITTED

An “•” symbol in a cell of the summary use table indicates that the specific use type is not permitted in the corresponding zoning district.

F. BUILDING CODE CLASSIFICATION

1. The “Bldg. Code Group” column in the use table is intended for reference purposes only. Classifications will be verified by the Building Inspector and should follow the regulations of the applicable “Use & Occupancy Classification” in accordance with NC State Building Code.
2. Changes of use from one building code classification to a different building code classification within an existing building require approval of sealed plans by the Building Inspector.
3. The different kinds of building code classifications are set out in the table below.

BUILDING CODE CLASSIFICATIONS			
ABBREVIATION	CLASSIFICATION TYPE	ABBREVIATION	CLASSIFICATION TYPE
A	Assembly	M	Mercantile
B	Business	R	Residential
E	Education	S	Storage
F	Factory Industrial	U	Utility & Miscellaneous
H	Hazardous	Mix	Mixed Uses [1]
I	Institutional		
NOTES:			

BUILDING CODE CLASSIFICATIONS			
ABBREVIATION	CLASSIFICATION TYPE	ABBREVIATION	CLASSIFICATION TYPE
[1] Separation standards may apply.			

G. UNLISTED USES

1. In the event that a proposed principal use type is not listed in principal use table and provided such land use is not listed as prohibited use in this Chapter, the Administrator shall determine whether a materially similar land use exists in this Ordinance.
2. The Zoning Administrator shall determine whether or not an unlisted use is similar to an existing use type based on the standards in Section 4.3.C of this Ordinance.
3. Nothing shall limit the Administrator from seeking input from County staff, the Planning Board, or Board of Commissioners in making a determination of how to categorize an unlisted use.
4. Should the Administrator determine that a materially similar land use does exist, the regulations governing that land use shall apply to the unlisted use type and the Administrator's determination shall be recorded in writing.
5. In cases where a proposed unlisted use type is not found to be similar to an existing use type, the Administrator may, but shall not be required to, initiate a text amendment application to revise the text of this Ordinance to add the use type in accordance with (see Chapter 10).

H. CHANGE OF USE

1. Several of the provisions in this Ordinance are applied at the time of a change in use. For the purposes of this Ordinance, each of the following shall constitute a "change in use:"
 - i. When an existing principal use is replaced by a new principal use that is of a different use classification, use category, or use type designation;
 - ii. When an existing principal use that is conducted entirely indoors becomes conducted entirely outdoors, or vice versa;
 - iii. When an existing use type that is a nonconforming use changes to a different use type that is also nonconforming, regardless of whether the newer nonconforming use is more intense than the prior nonconforming use;
 - iv. Any change in an existing use or development site that triggers the application of a differing set of building code requirements, such as the switch from residential requirements to non-residential or combined use requirements;
 - v. When an existing principal use intensifies or expands (with or without a shift in the use type) in a manner that increases the average daily trips associated with the use by 100 percent or more; and
 - vi. If a combined or multiple principal use is changed in ways where the mixture of use types changes or where the relative proportion of floor area devoted to one of the existing use types is modified to the extent that the total minimum off-street parking standards for the entire development are changed.
2. Conversion from one use type to the same use type under the same or a different owner is not a change in use. Additions or expansions of an existing use may require the need for compliance with development or design standards in this Ordinance.
3. Changes of use type within a planned development district do not constitute a change in use provided the new use types is identified in the planned development terms and conditions document. The addition of a new or unlisted use types within a planned development shall require an amendment to the planned development district.
4. Addition or conversion of secondary uses or the operation of a temporary use does not constitute a change in principal use.

CHAPTER 6. TABLE OF USES

SECTION 6.1. PRINCIPAL USE TABLE

I. COMBINATION OR MULTIPLE PRINCIPAL USES

Developments with combination or multiple principal uses, such as shopping centers, shall:

1. Incorporate only those use types allowed in the applicable zoning district;
2. Comply with all the use standards that apply to each use type in the development; and
3. Comply with the required method of establishment for the use type identified in the principal use table.

J. MAJOR SUBDIVISION

The principal use table lists residential and non-residential major subdivisions and the zoning districts where these kinds of subdivisions are permitted in accordance with the applicable standards in Chapter 19. Minor, expedited, and family subdivisions are not required to obtain special use permit approval and are not prohibited in any zoning districts.

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-USB	RE	GC-SL	GC-WL	PC	B-1	B-2	VB	I	MF-CZ	PD-CZ			
AGRICULTURAL USES																			
Agricultural Uses and Buildings (Not in a Bona Fide Farm)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Z	A	8.7	U	
Bona Fide Farm	Bona Fide Farm exemption status is obtained through the Moore County Planning Department																8.20	S, U	
RESIDENTIAL USES																			
Single-Family Household																			
Dwellings, Single Family	P	P	P	P	P	P	P	P	P	•	•	•	•	•	Z	A	8.43	R-3	
Dwellings, Duplex	•	P	P	•	•	•	P	•	P	•	•	•	•	•	Z	A	8.42	R-3	
Family Care Home (6 or less)	P	P	P	P	P	P	P	P	P	•	•	•	•	•	Z	A	8.45	I, R	
Manufactured Home	P	P	P	P	P	P	P	•	•	•	•	•	•	•	Z	A	8.65	R-3	
Manufactured Home Park	Z	•	•	•	•	•	•	•	•	•	•	•	•	•	•	A	8.66	Mix	
Multi-Family Residential																			
Group Care Facility	Z	•	•	•	•	•	•	•	•	•	S	P	•	•	•	A	8.55	I, R	
Multi-family Dwelling (3 or more units per lot)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	Z	A	8.75	R-2	
Nursing Home	S	S	S	S	S	•	•	•	•	•	P	P	•	•	Z	A	8.78	B, I	
COMMERCIAL USES																			
Animal Services																			
Animal Shelter	Z	•	•	•	•	•	•	•	•	•	•	•	•	P	•	•	8.11	B	
Animal Training Facility, Military	Z	•	•	•	•	•	•	•	•	•	•	•	•	P	•	•	8.12	B	
Kennels, Overnight	Z	•	•	•	•	•	•	•	•	•	Z	Z	•	P	•	A	8.62	B	
Pet Day Care, Grooming, Obedience Training	Z	•	•	•	•	•	•	•	•	•	P	P	P	•	•	A	8.83	B	
Veterinary Clinic	Z	•	•	•	•	•	P	•	•	•	P	P	P	•	•	A	8.111	B	

CHAPTER 6. TABLE OF USES
SECTION 6.1. PRINCIPAL USE TABLE

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Principal Use Type	Zoning Districts [1]																Specific Use Standards	Bldg. Code Class.
	RA	RA-20	RA-40	RA-2	RA-5	RA-USB	RE	GC-SL	GC-WL	PC	B-1	B-2	VB	L	MF-CZ	PD-CZ		
Offices and General Services																		
Beauty / Barber Shop / Nail Salon	•	•	•	•	•	•	•	•	P	•	•	P	P	P	•	A	8.17	B
Bed and Breakfast	Z	Z	Z	Z	Z	Z	•	•	•	•	•	•	•	•	Z	A	8.18	
Dry Cleaning and Laundromat	•	•	•	•	•	•	•	•	P	•	P	P	P	P	•	A	8.41	B
Equestrian Cottage	•	•	•	•	•	•	Z	•	•	•	•	•	•	•	•	A	8.44	
Hotel and Motel	•	•	•	•	•	•	•	•	•	•	•	P	•	•	•	A	8.60	R-1
Office	•	•	•	•	•	•	•	•	•	•	P	P	P	P	•	A	8.79	B
Small Appliance Repair Shop	•	•	•	•	•	•	•	•	•	•	P	P	P	P	•	A	8.100	B
Trade Contractor Office and Workshop	•	•	•	•	•	•	•	•	•	•	Z	P	P	P	•	A	8.107	B, S
Retail Services																		
Auction House	•	•	•	•	•	•	•	•	•	•	P	P	•	P	•	A	8.14	A-3, B
Convenience Store	S	•	•	•	•	•	•	•	P	•	P	P	P	P	•	A	8.35	M
Feed and Seed Sales	S	•	•	•	•	•	S	•	•	•	P	P	•	P	•	A	8.46	B, M
Florist	P	•	•	•	•	•	•	•	•	•	P	P	P	P	•	A	8.48	B
Flea Market	S	•	•	•	•	•	•	•	•	•	Z	P	•	•	•	•	8.47	B, M
Garden Center	•	•	•	•	•	•	•	•	•	•	P	P	P	•	•	A	8.51	M, U
Manufactured or Modular Home Sales	•	•	•	•	•	•	•	•	•	•	•	P	•	P	•	•	8.67	B
Restaurant	•	•	•	•	•	•	•	•	P	•	P	P	P	P	•	A	8.91	A-2
Retail	•	•	•	•	•	•	•	•	•	•	P	P	P	•	•	A	8.92	M
Shopping Centers	•	•	•	•	•	•	•	•	•	•	•	Z	•	S	•	A	8.99	M
Wholesales	•	•	•	•	•	•	•	•	•	•	•	P	S	P	•	A	8.113	M
Vehicle Services																		
Boat & RV Storage	•	•	•	•	•	•	•	P	•	•	•	Z	Z	•	•	•	8.19	S-1
Car Wash or Auto Detailing	•	•	•	•	•	•	•	•	•	•	P	P	P	P	•	A	8.25	B
Commercial Truck Wash	•	•	•	•	•	•	•	•	•	•	S	P	•	P	•	A	8.32	B
Parking Lot as a Principal Use	•	•	•	•	•	•	•	•	•	•	P	P	P	P	Z	A	8.80	S-2
Taxi Service	•	•	•	•	•	•	•	•	•	•	Z	P	•	P	•	A	8.104	B, A-3
Vehicle, Auto Parts, Tires, Farm Equipment, Boat, RV – Sales, Rental, or Service	•	•	•	•	•	•	•	•	•	•	P	P	P	P	•	A	8.108	B, S-1
Vehicle Service Station (Gas Stations)	•	•	•	•	•	•	•	•	•	•	P	P	Z	P	•	A	8.109	M
Vehicle Wrecker Service	•	•	•	•	•	•	•	•	•	•	Z	Z	•	P	•	•	8.110	S-1

CHAPTER 6. TABLE OF USES
SECTION 6.1. PRINCIPAL USE TABLE

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Principal Use Type	Zoning Districts [1]																Specific Use Standards	Bldg. Code Class.
	RA	RA-20	RA-40	RA-2	RA-5	RA-USB	RE	GC-SL	GC-WL	PC	B-1	B-2	VB	L	MF-CZ	PD-CZ		
Adult Uses																		
Adult Gaming Establishment	•	•	•	•	•	•	•	•	•	•	•	•	•	S	•	•	8.6	B
Bar / Tavern	•	•	•	•	•	•	•	•	•	•	•	P	S	•	•	A	8.16	A-2
Brewery / Winery	S	•	•	•	•	•	•	•	•	•	•	P	P	P	•	A	8.21	A-2, F
Dance Club / Night Club / Billiards	•	•	•	•	•	•	•	•	•	•	•	P	Z	•	•	•	8.37	A-2, A-3
Distillery	•	•	•	•	•	•	•	•	•	•	•	•	•	P	•	A	8.39	F-1
Massage & Bodywork Therapy	•	•	•	•	•	•	•	•	•	•	P	P	P	P	•	A	8.72	B
Pawn Shop	•	•	•	•	•	•	•	•	•	•	•	P	Z	P	•	•	8.81	B
Sexually Oriented Business	•	•	•	•	•	•	•	•	•	•	•	•	•	S	•	•	8.96	A-2, M
Tattoo Parlor, Body Piercing	•	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•	8.103	B
EDUCATIONAL & INSTITUTIONAL USES																		
Cemetery or Mausoleum, Commercial	S	•	S	S	•	•	S	•	•	•	P	•	•	•	•	•	8.26	n/a
Child Care Facility	S	S	S	S	P	S	S	•	S	•	P	P	S	•	•	A	8.28	E, I
College / Business & Trade School	S	•	•	•	•	•	•	•	•	•	•	P	•	P	•	A	8.31	B
Funeral Home with Crematorium	•	•	•	•	•	•	•	•	•	•	P	P	P	P	•	A	8.50	A-3, B
Government Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Z	A	8.54	B
Hospital	•	•	•	•	•	•	•	S	S	•	•	•	•	•	•	A	8.59	I
Museum / Art Gallery	S	•	•	•	•	•	•	•	•	•	P	P	P	•	•	A	8.76	A-3
Religious Institution	S	•	•	P	P	P	•	S	S	•	P	P	P	•	•	A	8.90	A-3, E
Security Training Facility	S	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	8.95	B
School, Elementary / Middle / High	S	•	•	P	P	P	•	S	S	•	P	P	P	•	•	A	8.94	E
RECREATION USES																		
Airport, Public or Private	S	•	•	•	•	•	•	•	•	•	•	•	•	Z	•	A	8.8	A-3, B
Airstrip, Small Private	S	•	•	•	•	•	•	•	•	•	P	•	•	•	•	A	8.9	B
Assembly Hall	Z	•	•	•	•	•	•	•	Z	•	•	Z	Z	P	•	A	8.13	A-4, A-5
Camp or Care Center	P	•	•	•	•	•	•	•	•	•	•	•	•	•	•	A	8.22	A-3, R-1

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Campground, Public and Private	P	•	•	•	•	•	•	•	•	•	•	•	•	•	•	A	8.23	A-3, R-1
Camp, Recreation Day	P	•	•	•	•	•	•	•	•	•	•	•	•	•	•	A	8.24	A-3
Civic / Social Club, Lodge, Organization	S	•	•	P	P	P	•	S	S	•	P	P	P	•	•	A	8.30	A-2, A-3
Golf Driving Range	•	•	•	•	•	•	•	S	S	P	•	P	•	•	•	A	8.53	A-3
Golf Course (including par 3)	•	•	•	•	•	•	•	S	S	P	•	P	•	•	•	A	8.52	U
Marina (fuel & supplies)	•	•	•	•	•	•	•	P	P	•	•	•	•	•	•	A	8.71	M
Neighborhood Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Z	A	8.77	U
Recreation, Indoor	•	•	•	•	•	•	•	•	•	•	S	P	S	•	•	A	8.87	A-5
Recreation, Low Impact Outdoor	P	•	P	P	P	P	P	P	P	•	P	P	S	•	•	A	8.88	A-5
Recreation, High Impact Outdoor	Z	•	•	•	•	•	•	•	•	•	•	•	Z	P	•	•	8.89	
Shooting Range, Indoor	Z	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•	8.97	A-5
Shooting Range, Outdoor	Z	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•	8.98	A-5
Zoo / Petting Zoo	Z	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•	8.116	A-5, U
INDUSTRIAL USES																		
Production																		
Manufacturing & Sales, Pottery	P	•	•	•	•	•	•	•	•	•	P	P	P	P	•	•	8.84	F
Manufacturing, Light (no odors or smoke)	•	•	•	•	•	•	•	•	•	•	•	•	•	P	•	A	8.69	F
Manufacturing, General	•	•	•	•	•	•	•	•	•	•	•	•	•	Z	•	•	8.70	F-1, F-2
Utilities / Services																		
Contractors Storage Yard and Office	Z	•	•	•	•	•	•	•	•	•	•	P	•	P	•	•	8.34	S-1, U
Crematorium Facility	•	•	•	•	•	•	•	•	•	•	•	Z	•	P	•	•	8.36	B
Freight Terminal	Z	•	•	•	•	•	•	•	•	•	•	S	•	S	•	•	8.49	S-1, S-2
Public & Private Utility Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Z	A	8.85	U
Solar Collector Facility	•	•	•	•	•	•	•	•	•	•	•	•	•	S	•	•	8.101	U
Antenna Collocation, Major	S	S	S	P	P	P	P	•	•	•	P	P	P	P	Z	A	8.114	U
Antenna Collocation, Minor	P	P	P	P	P	P	P	P	P	•	P	P	P	P	Z	A	8.114	U
Small Wireless Facility	S	S	S	P	P	S	P	P	P	•	P	P	P	P	Z	A	8.114	U
Telecommunications Tower, Major	Z	•	•	•	•	•	•	•	•	•	•	Z	•	Z	•	A	8.114	U

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• = Not Permitted

Principal Use Type	Zoning Districts [1]																Specific Use Standards	Bldg. Code Class.
	RA	RA-20	RA-40	RA-2	RA-5	RA-USB	RE	GC-SL	GC-WL	PC	B-1	B-2	VB	I	MF-CZ	PD-CZ		
Telecommunications Tower, Minor	S	•	•	•	•	•	•	•	•	•	P	P	S	P	Z	A	8.114	U
Warehousing																		
Mini-Warehouse (self service)	•	•	•	•	•	•	•	•	P	•	Z	Z	Z	Z	•	A	8.73	S
Warehousing or Distribution Center	Z	•	•	•	•	•	•	•	•	•	•	S	•	P	•	•	8.112	S-1, S-2
Waste-Related Services																		
Debris Management Facility	Z	•	•	•	•	•	•	•	•	•	Z	•	•	P	•	•	8.38	U
Hazardous Waste / Toxic Chemical Disposal or Processing	•	•	•	•	•	•	•	•	•	•	•	•	•	S	•	•	8.56	U
Landfill	•	•	•	•	•	•	•	•	•	•	•	•	•	S	•	•	8.64	U
Mining / Quarry Operation	Z	•	•	•	•	•	•	•	•	•	•	•	•	S	•	•	8.74	U
Salvage Yard	•	•	•	•	•	•	•	•	•	•	•	•	•	S	•	•	8.93	U
MAJOR SUBDIVISIONS																		
Residential Major Subdivision	•	S	S	•	•	S	•	•	•	•	•	•	•	•	•	•	Ch. 19	
Non-residential Major Subdivision	•	•	•	•	•	•	•	•	•	•	•	S	•	S	•	•	Ch. 19	
NOTES:																		
[1] Land located within the Highway Corridor Overlay District shall be subject to the sub-district-based use related provisions in Section 7.11 of this Ordinance.																		

SECTION 6.2. ACCESSORY USES

A. DEFINITION

An accessory use or building shall be incidental and subordinate to the principal use or building and shall be conducted or located on the same lot. Examples of accessory buildings may include garages, carports, barns, and storage buildings.

B. PROCEDURE FOR ESTABLISHMENT

Accessory uses or structures may be approved in conjunction with the approval of the principal use or subsequently following the establishment of the principal use through the approval of a zoning permit or special use permit, as appropriate. Except for personal workshop/storage buildings, no accessory use or structure shall be approved, established, or constructed before a principal use is approved in accordance with this Ordinance.

C. GENERAL STANDARDS FOR ALL SECONDARY USES AND STRUCTURES

1. PERMITTED ACCESSORY USES AND STRUCTURES

Except for accessory dwellings, permitted accessory uses and structures shall:

- i.** Be clearly incidental to an allowed principal use or structure;
- ii.** Be subordinate to and serve an allowed principal use or structure;
- iii.** Be subordinate in area, extent, and purpose to the principal use or structure; and
- iv.** Contribute to the comfort, convenience, or needs of occupants associated with the principal use or structure.

2. LOCATION OF ACCESSORY USES AND STRUCTURES

- i.** Except on lots in the RA district, accessory buildings shall be located in the rear or side yard. Accessory uses and structures in the RA zoning district may also be located in the front yard, subject to the required accessory building setbacks.
- ii.** Accessory horse stables are permitted in the front or side yard in the RA and RE zoning districts.
- iii.** Except for fences and walls contributing to the screening function of a landscaping buffer, no accessory structure shall be located within a required landscaping area.
- iv.** No accessory use or structure may be located in a required setback except as permitted by this Ordinance.
- v.** No accessory use or structure shall:
 - 01.** Be located within a designated fire lane;
 - 02.** Obstruct required sight distance triangles;
 - 03.** Impede ingress or egress to a lot, site, or principal structure;
 - 04.** Be located above or beneath public utilities (except for fences or walls);
 - 05.** Interfere with drainage or stormwater control measures; or
 - 06.** Be within an emergency access route designated on an approved site plan.
- vi.** Except for authorized stormwater control measures within a drainage easement, no accessory use or structure shall be located within any platted or recorded easement without the prior written consent of the landowner.

3. STRUCTURE HEIGHT

- i.** Accessory structures shall comply with the height requirements for the zoning district where located.
- ii.** Except for agricultural uses, no accessory structure's height shall exceed the height of the principal use.

4. MAXIMUM STRUCTURE SIZE

- i.** No accessory use or structure shall exceed the floor area associated with the principal use or structure it serves.

CHAPTER 6. TABLE OF USES

SECTION 6.2. ACCESSORY USES

D. COMPLIANCE WITH OTHER ORDINANCE REQUIREMENTS

Accessory uses and structures shall conform to the applicable requirements of this Ordinance, including this section, the district standards, the applicable use standards, and the development standards.

E. ACCESSORY USE TABLE

1. If a specific accessory use is allowed by-right, the cell underneath the zoning district is marked with a "P".
2. If a specific accessory use is allowed subject to a special use permit, the cell underneath the zoning district is marked with a "S".
3. A "Z" in a cell of the table indicates that the specific accessory use may only be permitted within a conditional zoning district that is parallel to the listed underlying zoning district (see Chapter 11). The conditional zoning district designation must be in place before the use type may be established.
4. If the accessory use or structure is not allowed in a zoning district, the cell is marked with an "•".
5. In the case of planned development districts, if an accessory use is allowable, it is marked with an "A", and the accessory use must be set out in the approved master plan or terms and conditions document.
6. If there is a reference contained in the column entitled "Specific Use Standards," refer to the cited section(s) for additional standards that apply to the specific accessory use.
7. The accessory use table below may not be inclusive of all possible accessory uses, and in the event an accessory use is proposed that is not listed in the table, the Administrator shall consult the principal use table to determine if the proposed accessory use corresponds to a listed principal use. Any permitted principal use in a zoning district is also permitted as an accessory use. In no instance shall an accessory use be permitted in a zoning district where it is prohibited as a principal use.
8. In the event a proposed accessory use is not listed in the table below and there is no corresponding principal use, the Administrator shall determine how to treat the accessory use in accordance with the standards for unlisted uses (see Section 6.1.G).

ACCESSORY USE TABLE																		
Accessory Use Type	RA	RA-20	RA-40	RA-2	RA-5	RA-USB	RE	GC-SL	GC-WL	PC	B-1	B-2	VB	L	MF-CZ	PD-CZ	Specific Use Standards	Bldg. Code Class.
RESIDENTIAL USES																		
Accessory Dwelling Located within Stick-Built Dwelling	P	P	P	P	P	P	P	•	•	•	•	•	•	•	Z	A	8.1	R
Accessory Dwelling Located within Non-Residential Building	•	•	•	•	•	•	•	•	•	•	P	P	P		Z	A	8.2	Mix
Accessory Manufactured Home	P	P	P	P	P	P	P	•	•	•	•	•	•	•	Z	A	8.3	R
Accessory Stick-Built Dwellings	P	P	P	P	P	P	P	•	•	•	•	•	•	•	Z	A	8.4	R
Carport or Garage	P	P	P	P	P	P	P	P	P	•	P	P	P	P	Z	A	6.2	R,S
Home Occupation, Level 1	P	P	P	P	P	P	P	P	P	•	•	•	•	•	Z	A	8.57	R
Home Occupation, Level 2	Z	•	•	Z	Z	•	Z	•	•	•	•	•	•	•	Z	A	8.58	R
Personal Workshop / Storage Building	P	P	P	P	P	P	P	•	•	•	•	•	•	•	Z	A	8.82	R, S
Family Health Care Structure	P	P	P	P	P	P	P	P	P	•	•	•	•	•	•	A		R
COMMERCIAL USES																		
Automatic Teller Machine (ATM)	•	•	•	•	•	•	•	•	•	•	P	P	P	P	•	A	8.15	U
EDUCATIONAL AND INSTITUTIONAL USES																		
Cemetery, Family	P	P	P	P	P	P	P	P	P	•	•	•	•	•	•	A	8.27	n/a
Child Care Home Facility	P	S	P	P	P	S	S	•	•	•	•	•	•	•	•	A	8.29	E, R

CHAPTER 6. TABLE OF USES
SECTION 6.3. TEMPORARY USES

ACCESSORY USE TABLE

Accessory Use Type	RA	RA-20	RA-40	RA-2	RA-5	RA-USB	RE	GC-SL	GC-WL	PC	B-1	B-2	VB	L	MF-CZ	PD-CZ	Specific Use Standards	Bldg. Code Class.
RECREATION USES																		
Accessory Swimming Pool	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Z	A	8.5	A, R
INDUSTRIAL USES																		
Amateur Radio and Receive-only Antennas	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Z	A	8.10	U
Solar Collectors, On-Site Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Z	A	8.102	U

SECTION 6.3. TEMPORARY USES

A. APPLICABILITY

The standards in this section apply to non-permanent uses that take place on a temporary basis whether on the same site or in different locations across the County's planning jurisdiction.

B. PROCEDURE FOR ESTABLISHMENT

Temporary uses or structures may be approved in conjunction with the approval of the principal use or subsequently following the establishment of the principal use through the approval of a zoning permit or special use permit, as appropriate. Temporary uses may take place on vacant lots.

C. GENERAL STANDARDS FOR ALL TEMPORARY USES AND STRUCTURES

All temporary uses and structures shall comply with the following general standards, unless otherwise specified in this Ordinance:

1. GENERAL REQUIREMENTS

An applicant proposing a temporary use or structure shall:

- i. Secure written permission from the landowner;
- ii. Obtain the appropriate permits and licenses from the County and other agencies;
- iii. Comply with the applicable requirements for signs if signage is proposed;
- iv. Meet public utility requirements for proper connection to water, sewer, electrical and other utility service connections, as applicable;
- v. Not violate the applicable conditions of approval that apply to a site or use on the site;
- vi. Not result in a situation where the principal use, if present, fails to comply with the standards of this Ordinance;
- vii. Ensure the site of a temporary use or structure contains sufficient land area for the temporary use and for the parking and traffic movement associated with the temporary use, without impacting environmentally sensitive lands; and
- viii. Ensure temporary uses remain in place no longer than 90 days if located within a special flood hazard area.

2. GENERAL CONDITIONS

In approving a zoning permit for temporary uses or structures, the Administrator is authorized to impose any of the following general conditions upon the premises benefited by the permit as may be necessary to reduce or minimize any potential adverse impacts upon other property in the area, as long as the condition relates to a situation created or aggravated by the proposed temporary use. The Administrator is authorized, where appropriate, to require:

- i. Provision of temporary parking facilities, including vehicular access and egress;

CHAPTER 6. TABLE OF USES

SECTION 6.3. TEMPORARY USES

- ii. Control of nuisance factors, such as but not limited to, the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, and heat;
- iii. Prohibition of the storage or use of hazardous materials;
- iv. Regulation of placement, height, size, and location of equipment;
- v. Provision of sanitary and medical facilities;
- vi. Provision of solid waste collection and disposal;
- vii. Provision of security and safety measures;
- viii. Use of an alternate location or date;
- ix. Modification or elimination of certain proposed activities; and
- x. Regulation of operating hours and days, including limitation of the duration to a shorter time period than requested or specified in this subsection.

D. TEMPORARY USE TABLE

1. If a specific temporary use is allowed by-right, the cell underneath the zoning district is marked with a "P".
2. If a specific temporary use is allowed subject to a special use permit, the cell underneath the zoning district is marked with a "S".
3. If the temporary use or structure is not allowed in a zoning district, the cell is marked with an "•".
4. In the case of planned development districts, if an temporary use is allowable, it is marked with an "A", and the temporary use must be set out in the approved master plan or terms and conditions document.
5. If there is a reference contained in the column entitled "Specific Use Standards," refer to the cited section(s) for additional standards that apply to the specific temporary use.
6. The temporary use table below may not be inclusive of all possible temporary uses, and in the event an temporary use is proposed that is not listed in the table, the Administrator shall consult the principal and accessory use tables to determine if the proposed temporary use corresponds to a listed principal or accessory use. In no instance shall an temporary use be permitted in a zoning district where it is prohibited as a principal or accessory use.
7. In the event a proposed temporary use is not listed in in the table below and there is no corresponding principal or accessory use, the Administrator shall determine how to treat the temporary use in accordance with the standards for unlisted uses (see Section 6.1.G).

TEMPORARY USE TABLE																		
Temporary Use Type	RA	RA-20	RA-40	RA-2	RA-5	RA-USB	RE	GC-SL	GC-WL	PC	B-1	B-2	VB	I	MF-CZ	PD-CZ	Specific Use Standards	Bldg. Code Class.
Construction Office, Temporary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Z	A	8.33	S-1
Drop-In Child Care Facility	•	•	•	•	•	•	•	•	•	•	P	P	P	•	•	A	8.40	
Itinerant Merchant	•	•	•	•	•	•	•	•	•	•	P	P	P	P		A	8.61	n/a
Land Clearing	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Z	A	8.63	F-1
Manufactured Home or RV, Temporary	P	P	P	P	P	P	P	•	•	•	•	•	•	•	•	A	8.68	R-3
Real Estate Offices, Temporary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Z	A	8.86	S-1
Temporary Events (Special Event)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Z	A	8.105	n/a
Temporary Family Health Care Structure	P	P	P	P	P	P	P	P	P	•	•	•	•	•	Z	A	8.106	R, I
Yard Sales, Residential and Civic	P	P	P	P	P	P	P	P	P	•	P	P	•	•	•	A	8.115	n/a

SECTION 6.4. PROHIBITED USES**A. USES PROHIBITED COUNTYWIDE**

- 1.** The following use types are not listed in the principal use table, and are prohibited throughout the County's planning jurisdiction in all zoning districts.
- 2.** In cases where one or more of these uses is lawfully established and in operation prior to November 15, 2022, the use shall be subject to the provisions in Chapter 9.
 - i.** Outdoor advertising or billboards, except where prohibition is preempted by State or federal law. Outdoor advertising lawfully established prior to November 15, 2022, may be permitted to continue as a nonconforming use only in accordance with Article 5. Nonconformities, and NCGS Section 160D-912.
 - ii.** Acetylene gas manufacture;
 - iii.** Acid manufacture;
 - iv.** Ammonia, bleaching powder, or chlorine manufacture;
 - v.** Biohazard or infectious waste storage or incineration;
 - vi.** Cellophane manufacture;
 - vii.** Creosote manufacture or treatment plants;
 - viii.** Distillation of bones, coal, petroleum, refuse, tar, or wood;
 - ix.** Glue and size manufacture;
 - x.** Nitrogenous tankage, fish meal or manufacture of any fertilizer materials carrying an objectionable odor;
 - xi.** Oilcloth or linoleum manufacture;
 - xii.** Ore reduction;
 - xiii.** Vinegar manufacturing.
 - xiv.** Use of a boat, houseboat, or other floating structure as a temporary or permanent residence (this shall not prevent the overnight occupancy of a vessel temporarily moored while in transit on navigable waters); and
 - xv.** Use of a recreational vehicle as a permanent residence.

B. USES PROHIBITED IN SPECIAL FLOOD HAZARD AREAS

- 1.** The following uses are prohibited in designated floodways:
 - i.** Buildings, including manufactured homes; and
 - ii.** Any use that would cause any increase in base flood levels.
- 2.** The following development is prohibited in designated floodplains due to the North Carolina Flood Act of 2000:
 - i.** New solid waste disposal facilities;
 - ii.** New hazardous waste management facilities;
 - iii.** New salvage or junkyards; and
 - iv.** New chemical storage facilities.

MEMORANDUM TO THE PLANNING BOARD

FROM: Ruth Pedersen
Senior Planner

DATE: June 30, 2023

SUBJECT: Conventional Rezoning Request: Residential and Agricultural – 40 (RA-40) to Residential and Agricultural – 20 (RA-20) 452 Brown Rd.

PRESENTER: Ruth Pedersen

REQUEST

A request for a Conventional Rezoning of one parcel of approximately 1.37 acres, located on 452 Brown Road, from Residential and Agricultural – 40 (RA-40) to Residential and Agricultural – 20 (RA-20) owned by M Renovation & Design, LLC per Deed Book 5808, Page 477 and further described as Parcel ID 00000811 in Moore County tax records.

Public notification consisted of publishing a legal notice in the local newspaper for two consecutive weeks, notification by certified mail to adjacent property owners, and placing public hearing signs on the property.

BACKGROUND

The requested rezoning would allow the owner to subdivide the property into two lots with a minimum area of 20,000 square feet in accordance with the RA-20 zoning district regulations.

The subject property includes a wooded area and a single-family dwelling. Adjacent properties include single family dwellings and agricultural land. The nearest RA-20 zoned property is approximately 2.5 miles away on Doubs Chapel Road.

The subject property is on the corner of Brown Road and Star Ridge Road near the Town limits of Carthage.

NCDOT has not provided traffic counts at this location, but approximately 1,000 feet away at the intersection of Star Ridge Road and Elizabeth Road the Annual Average Daily Trip count is 450 trips per day (2021).

The subject property is within half a mile of a Voluntary Agricultural District. The parcel is within the Cape Fear Little River (Vass) WS-IIIP watershed (average of 2 dwelling units / 1 acre per project OR 20,000 square foot lot excluding street right of way. The requested RA-20 zoning

district has a minimum lot size of 20,000 square feet which would be in conformity with the watershed restrictions.

ZONING DISTRICT COMPATIBILITY

The requested rezoning to RA-20 is consistent with the existing uses located near the property including residential uses. Zoning districts adjacent to the property include Residential and Agricultural – 40 (RA-40).

CONSISTENCY WITH THE 2013 MOORE COUNTY LAND USE PLAN

The Future Land Use Map identifies the property as Rural Agricultural. The requested rezoning to Residential and Agricultural – 20 is not compatible with the Rural Agricultural classification as defined in the Moore County Land Use Plan. If the rezoning to RA-20 is approved, the classification would be updated to Medium Density Residential on the Future Land Use Map.

The Medium Density Residential classification is meant for a density of two to four dwellings per acre, single family detached or attached. Housing may include a mixture of dwelling types, including single-family detached, duplex, patio home, semi-detached/attached dwelling, multi-family, or townhouse. This may also include certain non-residential neighborhood supportive uses such as schools, daycares, churches and others. Density would require engineered sewerage disposal systems. Public infrastructure and facilities such as roads, water, sewer, schools, fire/rescue, open space and must be adequate to accommodate the development. The public service providers in the proximity of these areas shown on the Future Land Use Map shall consider extending, upgrading and/or preserving infrastructure in these locations.

The Land Use Plan states that the Rural Agricultural classification's primary use of land is to support rural residential life associated with agricultural uses (e.g. row crops, forestry, horticulture, grazing, poultry, dairy, swine operations, and intensive agricultural uses in certain areas) and other rural activities. Further, the Rural Agricultural classification states that major subdivisions of land are strongly discouraged; however, family subdivisions and subdivisions of four or less lots would be considered.

The Moore County Unified Development Ordinance states the Residential and Agricultural – 20 (RA-20) district is a district in which the principal use of the land is for single family dwellings, duplexes and agriculture and discouraging any use which would generate traffic on minor streets other than normal traffic to serve residences on those streets.

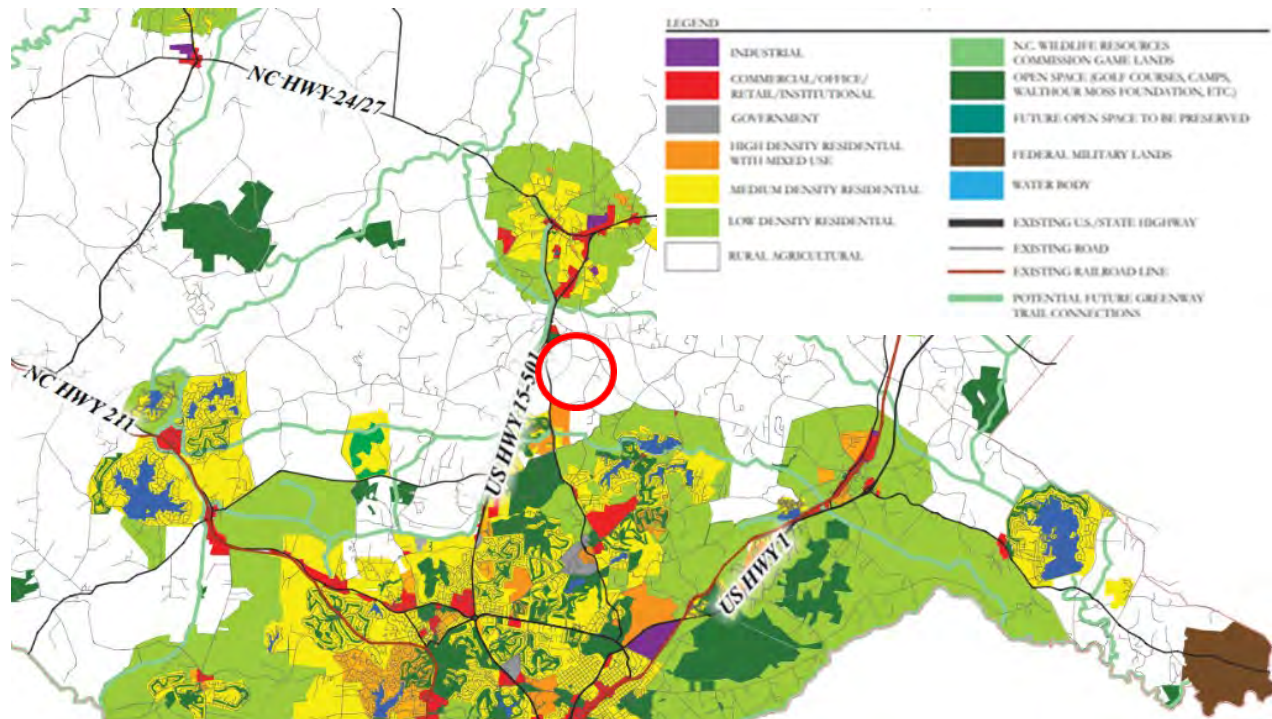
The rezoning request aligns with the following Goals, Recommendations and Actions as included in the attached Land Use Plan Consistency Statement, including:

Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around municipalities)

- Recommendation 1.8: Discourage undesirable or unattractive land uses, especially within high visibility areas.

- o The requested rezoning to RA-20 will not substantially change the range of allowable uses on the property. The zoning will remain residential and agricultural.

MOORE COUNTY FUTURE LAND USE MAP



RECOMMENDATION

Staff recommends the Moore County Planning Board make two separate motions:

Motion #1: Make a motion to adopt the attached **Approval** or **Denial** Moore County Planning Board Land Use Plan Consistency Statement and authorize its Chairman to execute the document as required by North Carolina General Statute 160D-604.

Motion #2: Make a motion to recommend Approval or Denial to the Moore County Board of Commissioners of the Conventional Rezoning of one parcel of approximately 1.37 acres, located on 452 Brown Road, from Residential and Agricultural – 40 (RA-40) to Residential and Agricultural – 20 (RA-20) owned by M Renovation & Design, LLC per Deed Book 5808, Page 477 and further described as Parcel ID 00000811 in Moore County tax records.

SUPPORTING ATTACHMENTS

- Pictures of the property and adjacent properties
- Planning Board Consistency Statement – Approval
- Planning Board Consistency Statement – Denial
- Vicinity Map

- Land Use Map
- Zoning Map
- Municipal Zoning Map
- Landmarks Map
- Submitted Rezoning Application
- Rezoning Map
- Deed Book 5808, Page 477
- UDO Chapter 6. Table of Uses

VIEW OF SUBJECT PROPERTY



VIEW OF BROWN ROAD LOOKING EAST



VIEW OF BROWN ROAD LOOKING WEST



VIEW OF ADJACENT PROPERTY AT 465 STAR RIDGE RD



VIEW ACROSS BROWN RD



Moore County Planning Board
Land Use Plan Consistency Statement
Conventional Rezoning RA-40 to RA-20 452 Brown Road

The Moore County Planning Board finds that:

The proposed conventional rezoning is consistent with the following goal as listed in the 2013 Moore County Land Use Plan:

1. It is consistent with Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around municipalities).
 - Recommendation 1.8: Discourage undesirable or unattractive land uses, especially within high visibility areas.
 - o The requested rezoning to RA-20 will not substantially change the range of allowable uses on the property. The zoning will remain residential and agricultural.

The proposed conventional rezoning is reasonable and in the public interest because:

1. It supports the current 2013 Moore County Land Use Plan goals and recommendations listed above.
2. The range of allowable uses will not change substantially with the proposed rezoning.

Therefore, the Moore County Planning Board recommends **APPROVAL** of the conventional rezoning, as proposed.

Joe Garrison, Chair
Moore County Planning Board

Date

Moore County Planning Board
Land Use Plan Consistency Statement
Conventional Rezoning RA-40 to RA-20 452 Brown Road

The Moore County Planning Board finds that:

The proposed conventional rezoning is not consistent with the following goal as listed in the 2013 Moore County Land Use Plan:

1. It is not consistent with Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around municipalities)
 - Recommendation 1.3: Preserve large tracts of prime agricultural land to ensure that farming remains a viable part of the local economy.
 - o The requested rezoning to RA-20 will allow a smaller lot size (20,000 square feet) than is currently allowed (40,000 square feet).

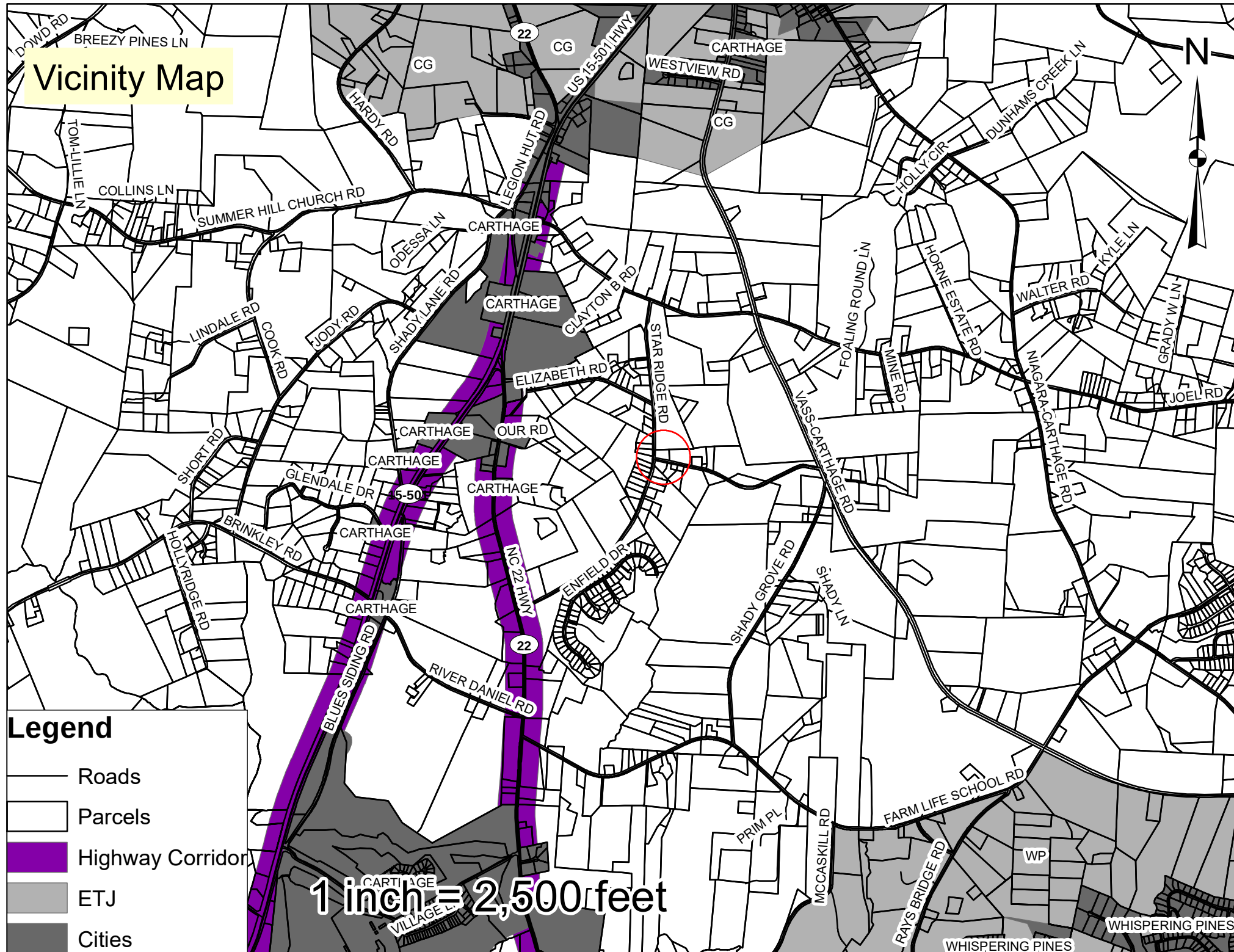
The proposed conventional rezoning is not reasonable and not in the public interest because the proposed conventional rezoning will have an unreasonable impact on the surrounding community.

Therefore, the Moore County Planning Board recommends **DENIAL** of the conventional rezoning, as proposed.

Joe Garrison, Chair
Moore County Planning Board

Date

Vicinity Map





Land Use Map

Agriculture

Area proposed to be rezoned RA-20

Residential

Forested

BROWN RD

STAR RIDGE RD

Residential

Legend

-  Roads
-  Parcels

1 inch = 100 feet

Zoning Map



RA-40

Area proposed to be
rezoned RA-20

RA-40

BROWN RD

RA-40

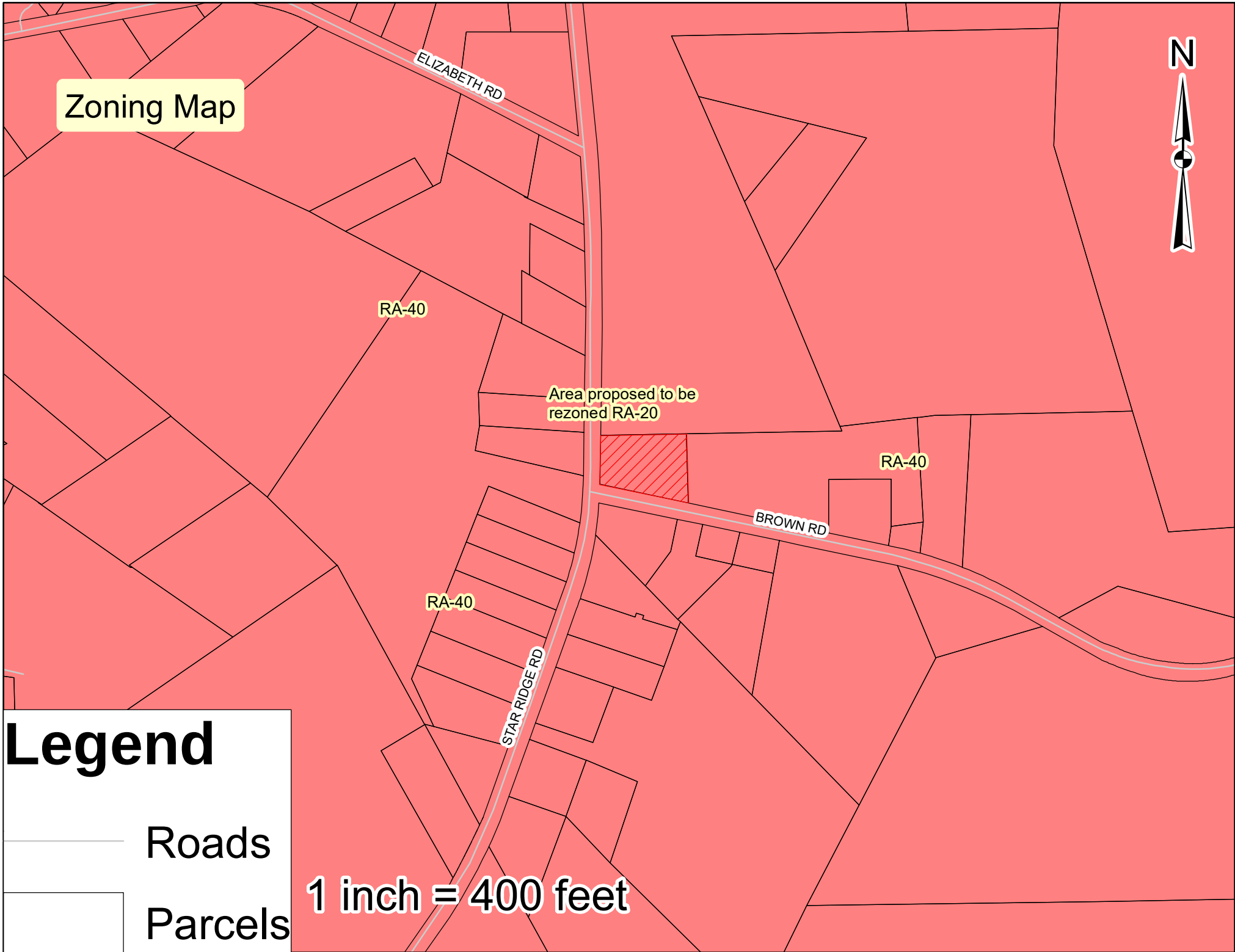
STAR RIDGE RD

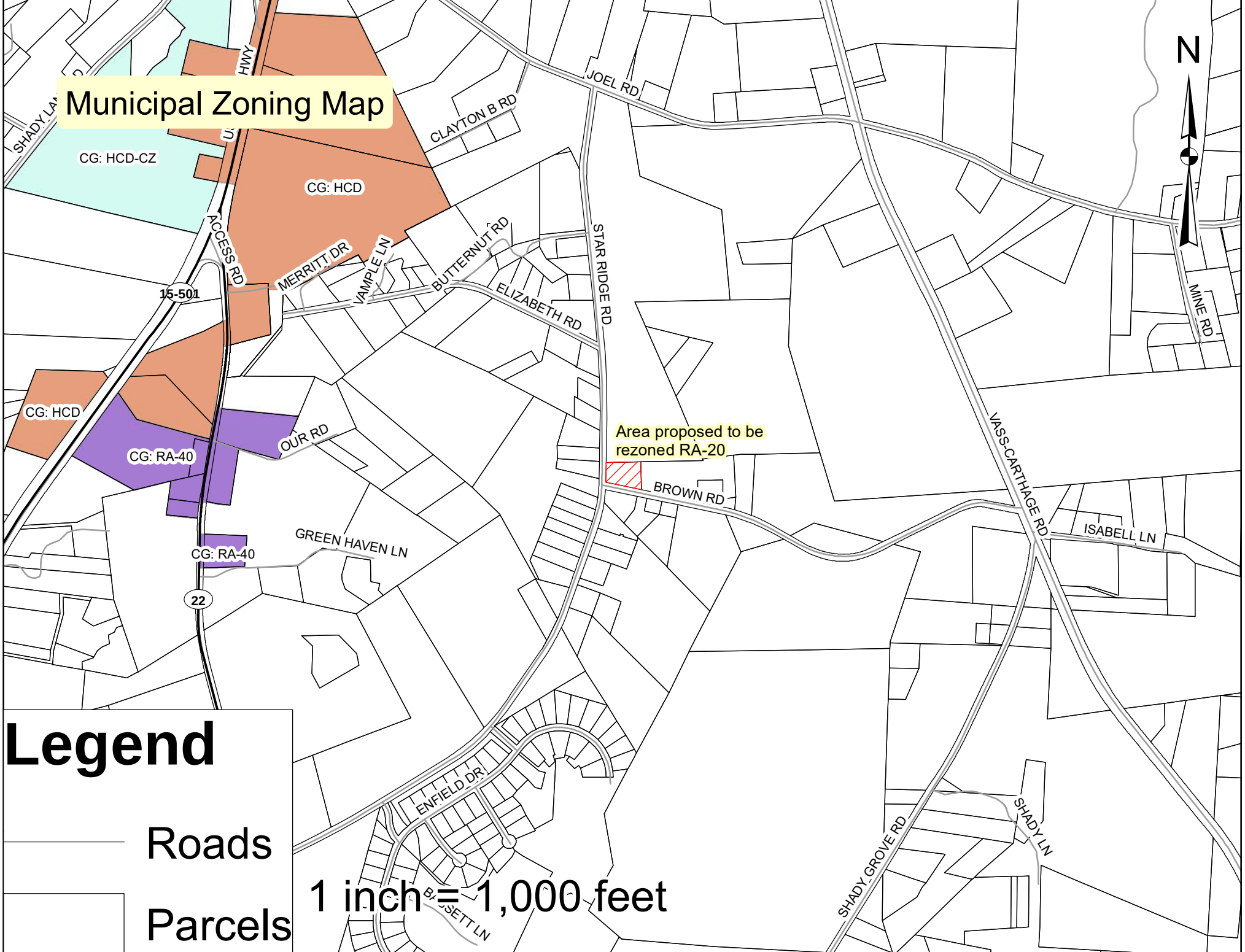
Legend

Roads

Parcels

1 inch = 400 feet





Landmarks Map

Hillcrest Park

15-501

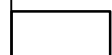
22

Green Haven Plant Farm

Brookwood Neighborhood

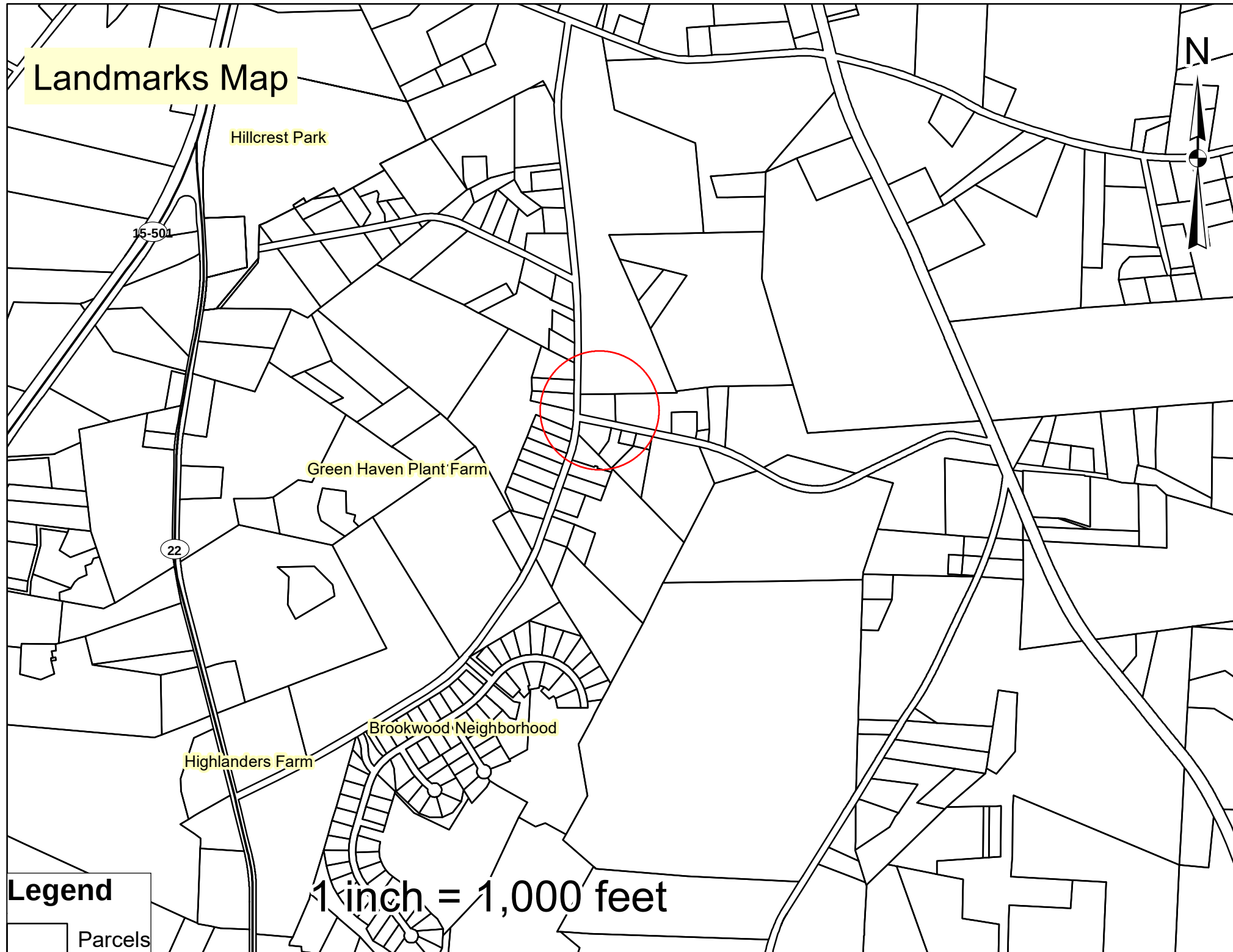
Highlanders Farm

Legend

 Parcels

1 inch = 1,000 feet

N





County of Moore Planning and Inspections

RECEIVED

MAY 10 2023

Inspections/Permitting: (910) 947-2221
Planning: (910) 947-5010
Fax: (910) 947-1303

CONVENTIONAL REZONING APPLICATION

Application Date: 5/1/23			
Location/Address of Property: 452 Brown Road Carthage NC			
Applicant: Tony Murchison			Phone: 910 695 5083
Applicant Address: 150 Della Drive		City: Raeford 1	St: NC Zip: 28376
Owner: M Renovation & Design			Phone: 910 695 5083
Owner Address: 150 Della Drive		City: Raeford	St: NC Zip: 28376
Current Zoning District: RA-40		Proposed Zoning District: RA-20	
Comments: split in half			
I (We), the undersigned, certify that all statements furnished in this application are true to the best of my (our) knowledge, and do hereby agree to follow all reasonable requests for information as designated by the County of Moore Zoning Administrator.			
Applicant/Owner Signature		Date: 5/1/23	
Applicant/Owner Signature		Date	
Office Use Only:			
PAR ID: 00000811		App#: 45653	
Received By: [Signature]		Date: 5/24/23	



MOORE COUNTY

Thursday, April 27, 2023 by Moore County GIS Department

Ownership Data

Pin: 857604834453
Parcel Id: 00000811
Owner Name: M RENOVATION & DESIGN, LLC
Tax Address: PO BOX 141
ABERDEEN, NC, 28315
Deed/Bk Page: 5808 / 477
Trans Date: 3/7/2022
Sale Amt: \$60,000.00
Accessed Acres: 1.3690
Cal. Acreage: 1.3710

Location Data

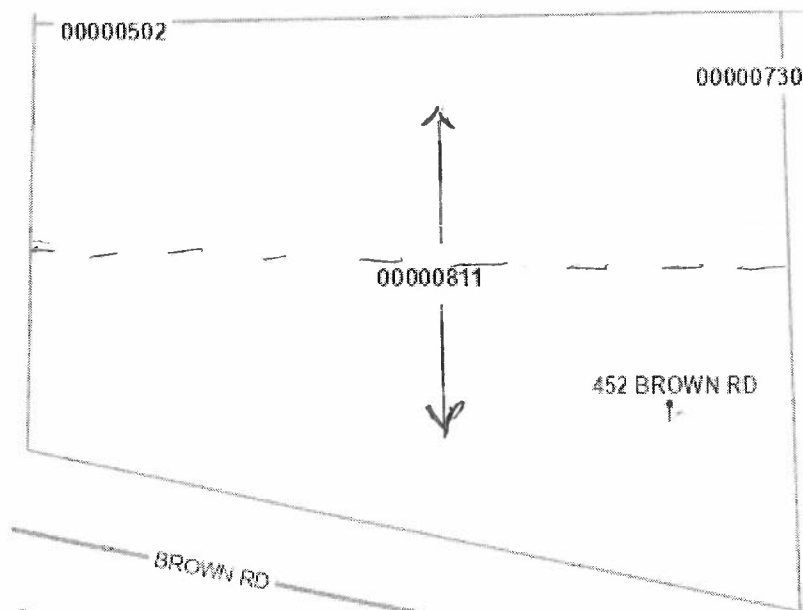
City Code: N/A
Fire District: K
Class Code: RI
Land Use Type: R01
Zoning: RA-40
NBHD#: 701
Property Desc.: BIG BRANCH

Assessment Summary/ Rates Per \$100 Value

Values

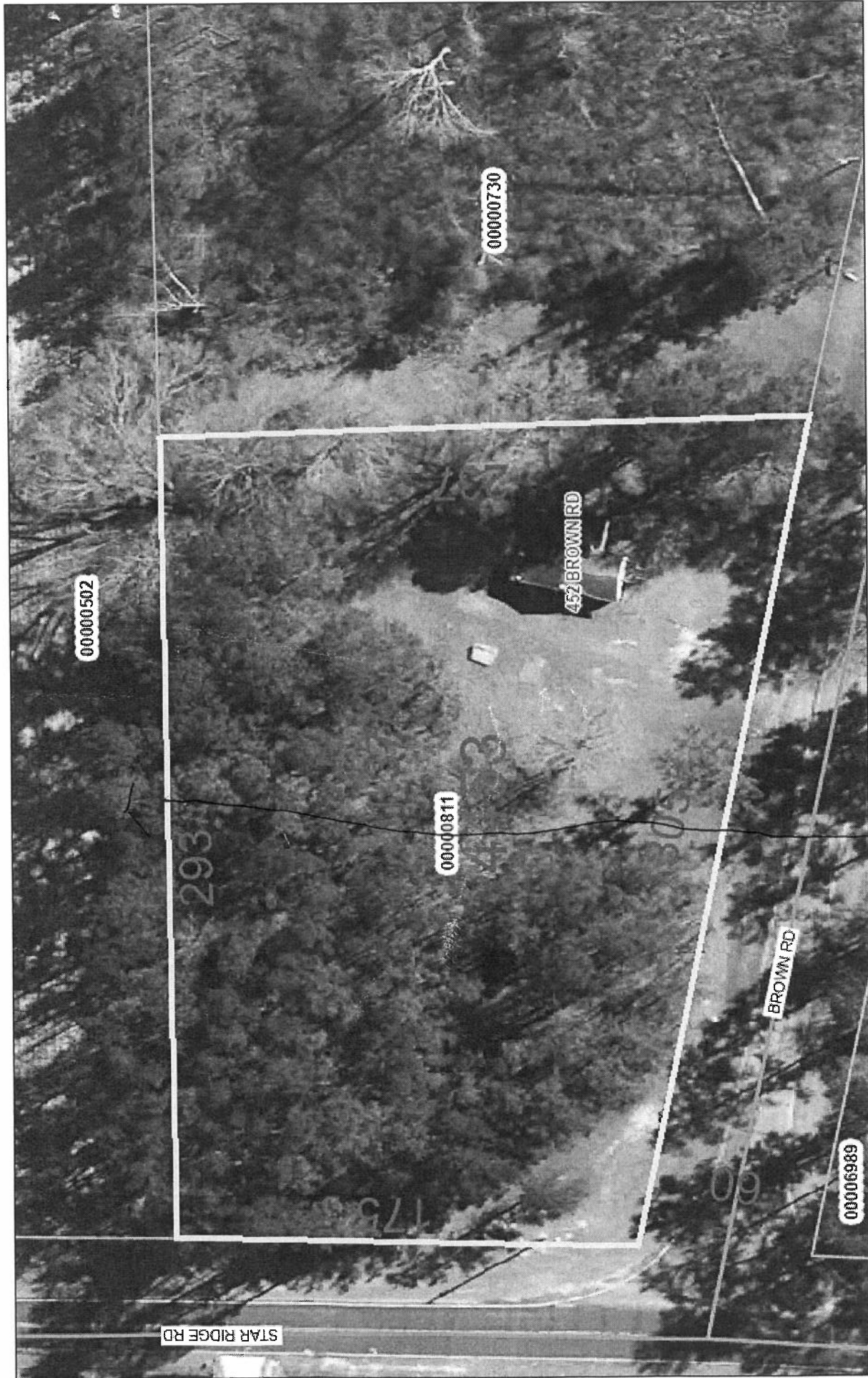
Land Value: \$48,980.00
Assessed Value: \$93,750.00
Bldg Imp Value: \$44,770.00

Parcel Map



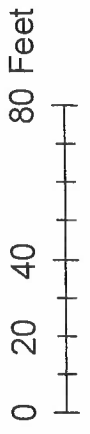
Moore County GIS Disclaimer

All the information contained on this media is prepared for the inventory of real property found within Moore. All data is compiled from recorded deeds, plats, and other public records and data. Users of this data are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information. Information contained herein was created for the County's internal use. MOORE COUNTY, ITS OFFICIALS, AGENTS AND EMPLOYEES MAKE NO WARRANTY AS TO THE CORRECTNESS OR ACCURACY OF THE INFORMATION SET FORTH ON THIS MEDIA WHETHER EXPRESS OR IMPLIED, IN FACT OR IN LAW, INCLUDING WITHOUT LIMITATION THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR USE. Any resale of this data is strictly prohibited in accordance with North Carolina General Statutes 132-10. Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).



1 inch = 50 feet

April 27, 2023



*Cut IN HALF
For 2 separate
Property*

Name: M RENOVATION & DESIGN, LLC

Parcel ID: 00000811

Deeded Acres: 1.369

For Registration Register of Deeds

Judy D. Martin

Moore County, NC

Electronically Recorded

March 7, 2022 4:54:01 PM

Book: 5808 Page: 477 - 479 #Pages: 3

Fee: \$26.00 NC Rev Stamp: \$120.00

Instrument# 2022004043

Stamps: \$120.00

This instrument was prepared by: **Sandhills Law Group**, No Title Examination Requested or Performed by Drafting Attorney

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 22nd day of February, 2022, by and between,

GRANTOR	GRANTEE
MARY B. BROWNE, unmarried and as Trustee of the Mary B. Browne Revocable Living Trust dated April 6, 2005	M RENOVATION & DESIGN, LLC A North Carolina Limited Liability Company
	<u>Mailing address:</u> PO Box 141 Aberdeen, NC 28315

WITNESSETH:

That the Grantor, in consideration of the sum of Ten (\$10.00) Dollars and other good and valuable considerations paid by the Grantee, the receipt and sufficiency of which is hereby acknowledged, has given, granted, bargained, sold and conveyed and by these presents does give, grant, bargain, sell and convey to the Grantee, his heirs, successors and assigns, all of that certain tract or parcel of land situate in **Carthage Township, Moore County, North Carolina**, more particularly described as follows:

BEGINNING at the third corner of a 14 acre tract, said to be N.C. Blue's and McKenzie's line said point of beginning as described further as being on the east side of the road leading from the Vass-Carthage Road to intersect with the Carthage-Southern Pines Road leaving via Charles Brown's residence and being 20 feet from the centerline runs with the east margin of said road, South 4 degrees 00 minutes West 185 feet to a point on the west side of said road 20 feet from the centerline and runs thence along the west margin of said road, South 75 degrees 00 minutes East 315 feet to a stake on the west margin of said road and runs thence a new line direct North 247 feet to a stake in the outside or 2nd line of the above mentioned 14 acre tract and runs thence with the above mentioned 2nd line of 14 acre tract North 86

degrees 00 minutes West 303 feet to the BEGINNING, containing 1.6 acres.
For further reference see Book 2803, Page 252 in the Moore County Registry.

This conveyance is subject to: (i) the Declaration of Restrictions and Covenants, if any, as the same may have been amended; (ii) such matters, provisions and reservations as are shown on the above plat, if any; (iii) the lien for ad valorem taxes or other assessments for the year of closing or conveyance; and (iv) utility and right of way easements of record.

The property hereinabove described is or x is not the primary residence of a Grantor.

TO HAVE AND TO HOLD the aforesaid described land with all privileges and appurtenances thereunto belonging or in anywise appertaining to the said Grantee, his heirs, successors and assigns, in fee simple forever.

And the said Grantor, for himself and his heirs, successors and assigns, covenants with the said Grantee, his heirs, successors and assigns, that he is seized of the said premises in fee and has the right to convey the same in fee simple; that the same is free and clear from all encumbrances; and that he does hereby forever warrant and will forever defend the said title to the same against the claims of all persons whomsoever, except for the exceptions noted herein.

AND the said Grantor makes the following certifications:

1. That the Mary B. Browne Revocable Living Trust dated April 6, 2005 ("Trust") is in existence; and
2. That the Settlor of the Trust is Mary B. Browne; and
3. That the currently acting Trustee is Mary B. Browne, 4219 S. Brighton St., Seattle, WA 98118; and
4. That the Trustee may sell any real or personal property of the Trust; and
5. That the Trust is revocable, and the Trustee holds the power to revoke the Trust; and
6. That the Trustee, acting individually, has the authority to sign or otherwise authenticate, and exercise powers of the Trustee; and
7. That the trust's taxpayer identification number is in the possession of its attorney; and
8. That the manner of taking title to Trust property is Mary B. Browne, Trustee of the Mary B. Browne Revocable Living Trust dated April 6, 2005.

The designation "Grantor" and "Grantee" as used herein shall include the singular as well as the plural and the masculine, feminine or neuter gender may be read in either the masculine, feminine or neuter gender or a combination thereof as the context may require in order to accurately refer to the person or persons first named hereinabove as "Grantor" and "Grantee".

*****The remainder of this page was intentionally left blank*****

IN WITNESS WHEREOF, the said Grantor has hereunto set his hand and seal, or if Corporate, has caused this instrument to be signed in the Corporate name by its duly authorized officers by authority of its duly elected Board of Directors, or if Limited Liability Company (Company), in its Company name by its duly authorized manager, pursuant to authorization from its members, the day and year first above written.

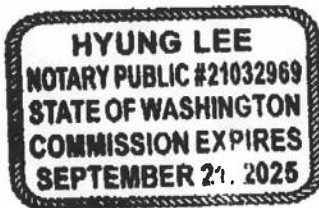
Mary B. Browne (SEAL)
**MARY B. BROWNE, unmarried, individually
and as Trustee of the Mary B. Browne
Revocable Living Trust dated April 6, 2005**

STATE OF Washington
COUNTY OF King

I, Hyung Lee, a Notary Public in and for the County
and State aforesaid do hereby certify that **MARY B. BROWNE, unmarried** personally
appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal this the 4th day of March, 2022.

(NOTARIAL SEAL)



[Signature]
NOTARY PUBLIC

My Commission Expires: 09/21/2025

CHAPTER 6. TABLE OF USES

SECTION 6.1. PRINCIPAL USE TABLE

The use table below lists the range of allowable principal uses, the zoning districts where they are permitted, and the type of application approval necessary from the County for the use to be established. The following application types are listed in the table:

A. PERMITTED USES

A “P” in a cell of the table indicates that the specific use type is permitted in the corresponding zoning district, subject to any referenced use standards identified in the table and issuance of a zoning permit (see Chapter 4) by the Administrator.

B. SPECIAL USES

An “S” in a cell of the table indicates that the specific use type may only be permitted in the corresponding zoning district following approval of a special use permit by the Board of Commissioners (see Chapter 12). Special uses are subject to any referenced use standards identified in the table and may be subject to additional conditions deemed necessary by the Board of Commissioners.

C. CONDITIONAL ZONING

A “Z” in a cell of the table indicates that the specific use type may only be permitted within a conditional zoning district that is parallel to the listed underlying zoning district (see Chapter 11). The conditional zoning district designation must be in place before the use type may be established.

D. PLANNED DEVELOPMENT DISTRICT

1. An “A” in a cell of the principal use table indicates that the specific use type is permitted in a planned development district, provided the specific use type is included in the list of potential use types in the master plan or terms and conditions document.
2. If a use type is listed as prohibited in a planned development district it may not be included in a master plan or terms and conditions document.

E. USE NOT PERMITTED

An “•” symbol in a cell of the summary use table indicates that the specific use type is not permitted in the corresponding zoning district.

F. BUILDING CODE CLASSIFICATION

1. The “Bldg. Code Group” column in the use table is intended for reference purposes only. Classifications will be verified by the Building Inspector and should follow the regulations of the applicable “Use & Occupancy Classification” in accordance with NC State Building Code.
2. Changes of use from one building code classification to a different building code classification within an existing building require approval of sealed plans by the Building Inspector.
3. The different kinds of building code classifications are set out in the table below.

BUILDING CODE CLASSIFICATIONS			
ABBREVIATION	CLASSIFICATION TYPE	ABBREVIATION	CLASSIFICATION TYPE
A	Assembly	M	Mercantile
B	Business	R	Residential
E	Education	S	Storage
F	Factory Industrial	U	Utility & Miscellaneous
H	Hazardous	Mix	Mixed Uses [1]
I	Institutional		
NOTES:			

BUILDING CODE CLASSIFICATIONS			
ABBREVIATION	CLASSIFICATION TYPE	ABBREVIATION	CLASSIFICATION TYPE
[1] Separation standards may apply.			

G. UNLISTED USES

1. In the event that a proposed principal use type is not listed in principal use table and provided such land use is not listed as prohibited use in this Chapter, the Administrator shall determine whether a materially similar land use exists in this Ordinance.
2. The Zoning Administrator shall determine whether or not an unlisted use is similar to an existing use type based on the standards in Section 4.3.C of this Ordinance.
3. Nothing shall limit the Administrator from seeking input from County staff, the Planning Board, or Board of Commissioners in making a determination of how to categorize an unlisted use.
4. Should the Administrator determine that a materially similar land use does exist, the regulations governing that land use shall apply to the unlisted use type and the Administrator's determination shall be recorded in writing.
5. In cases where a proposed unlisted use type is not found to be similar to an existing use type, the Administrator may, but shall not be required to, initiate a text amendment application to revise the text of this Ordinance to add the use type in accordance with (see Chapter 10).

H. CHANGE OF USE

1. Several of the provisions in this Ordinance are applied at the time of a change in use. For the purposes of this Ordinance, each of the following shall constitute a "change in use:"
 - i. When an existing principal use is replaced by a new principal use that is of a different use classification, use category, or use type designation;
 - ii. When an existing principal use that is conducted entirely indoors becomes conducted entirely outdoors, or vice versa;
 - iii. When an existing use type that is a nonconforming use changes to a different use type that is also nonconforming, regardless of whether the newer nonconforming use is more intense than the prior nonconforming use;
 - iv. Any change in an existing use or development site that triggers the application of a differing set of building code requirements, such as the switch from residential requirements to non-residential or combined use requirements;
 - v. When an existing principal use intensifies or expands (with or without a shift in the use type) in a manner that increases the average daily trips associated with the use by 100 percent or more; and
 - vi. If a combined or multiple principal use is changed in ways where the mixture of use types changes or where the relative proportion of floor area devoted to one of the existing use types is modified to the extent that the total minimum off-street parking standards for the entire development are changed.
2. Conversion from one use type to the same use type under the same or a different owner is not a change in use. Additions or expansions of an existing use may require the need for compliance with development or design standards in this Ordinance.
3. Changes of use type within a planned development district do not constitute a change in use provided the new use types is identified in the planned development terms and conditions document. The addition of a new or unlisted use types within a planned development shall require an amendment to the planned development district.
4. Addition or conversion of secondary uses or the operation of a temporary use does not constitute a change in principal use.

CHAPTER 6. TABLE OF USES

SECTION 6.1. PRINCIPAL USE TABLE

I. COMBINATION OR MULTIPLE PRINCIPAL USES

Developments with combination or multiple principal uses, such as shopping centers, shall:

1. Incorporate only those use types allowed in the applicable zoning district;
2. Comply with all the use standards that apply to each use type in the development; and
3. Comply with the required method of establishment for the use type identified in the principal use table.

J. MAJOR SUBDIVISION

The principal use table lists residential and non-residential major subdivisions and the zoning districts where these kinds of subdivisions are permitted in accordance with the applicable standards in Chapter 19. Minor, expedited, and family subdivisions are not required to obtain special use permit approval and are not prohibited in any zoning districts.

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-USB	RE	GC-SL	GC-WL	PC	B-1	B-2	VB	I	MF-CZ	PD-CZ			
AGRICULTURAL USES																			
Agricultural Uses and Buildings (Not in a Bona Fide Farm)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Z	A	8.7	U	
Bona Fide Farm	Bona Fide Farm exemption status is obtained through the Moore County Planning Department																8.20	S, U	
RESIDENTIAL USES																			
Single-Family Household																			
Dwellings, Single Family	P	P	P	P	P	P	P	P	P	•	•	•	•	•	Z	A	8.43	R-3	
Dwellings, Duplex	•	P	P	•	•	•	P	•	P	•	•	•	•	•	Z	A	8.42	R-3	
Family Care Home (6 or less)	P	P	P	P	P	P	P	P	P	•	•	•	•	•	Z	A	8.45	I, R	
Manufactured Home	P	P	P	P	P	P	P	•	•	•	•	•	•	•	Z	A	8.65	R-3	
Manufactured Home Park	Z	•	•	•	•	•	•	•	•	•	•	•	•	•	•	A	8.66	Mix	
Multi-Family Residential																			
Group Care Facility	Z	•	•	•	•	•	•	•	•	•	S	P	•	•	•	A	8.55	I, R	
Multi-family Dwelling (3 or more units per lot)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	Z	A	8.75	R-2	
Nursing Home	S	S	S	S	S	•	•	•	•	•	P	P	•	•	Z	A	8.78	B, I	
COMMERCIAL USES																			
Animal Services																			
Animal Shelter	Z	•	•	•	•	•	•	•	•	•	•	•	•	P	•	•	8.11	B	
Animal Training Facility, Military	Z	•	•	•	•	•	•	•	•	•	•	•	•	P	•	•	8.12	B	
Kennels, Overnight	Z	•	•	•	•	•	•	•	•	•	Z	Z	•	P	•	A	8.62	B	
Pet Day Care, Grooming, Obedience Training	Z	•	•	•	•	•	•	•	•	•	P	P	P	•	•	A	8.83	B	
Veterinary Clinic	Z	•	•	•	•	•	P	•	•	•	P	P	P	•	•	A	8.111	B	

CHAPTER 6. TABLE OF USES
SECTION 6.1. PRINCIPAL USE TABLE

PRINCIPAL USE TABLE

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• = Not Permitted

Principal Use Type	Zoning Districts [1]																Specific Use Standards	Bldg. Code Class.
	RA	RA-20	RA-40	RA-2	RA-5	RA-USB	RE	GC-SL	GC-WL	PC	B-1	B-2	VB	L	MF-CZ	PD-CZ		
Offices and General Services																		
Beauty / Barber Shop / Nail Salon	•	•	•	•	•	•	•	•	P	•	•	P	P	P	•	A	8.17	B
Bed and Breakfast	Z	Z	Z	Z	Z	Z	•	•	•	•	•	•	•	•	Z	A	8.18	
Dry Cleaning and Laundromat	•	•	•	•	•	•	•	•	P	•	P	P	P	P	•	A	8.41	B
Equestrian Cottage	•	•	•	•	•	•	Z	•	•	•	•	•	•	•	•	A	8.44	
Hotel and Motel	•	•	•	•	•	•	•	•	•	•	•	P	•	•	•	A	8.60	R-1
Office	•	•	•	•	•	•	•	•	•	•	P	P	P	P	•	A	8.79	B
Small Appliance Repair Shop	•	•	•	•	•	•	•	•	•	•	P	P	P	P	•	A	8.100	B
Trade Contractor Office and Workshop	•	•	•	•	•	•	•	•	•	•	Z	P	P	P	•	A	8.107	B, S
Retail Services																		
Auction House	•	•	•	•	•	•	•	•	•	•	P	P	•	P	•	A	8.14	A-3, B
Convenience Store	S	•	•	•	•	•	•	•	P	•	P	P	P	P	•	A	8.35	M
Feed and Seed Sales	S	•	•	•	•	•	S	•	•	•	P	P	•	P	•	A	8.46	B, M
Florist	P	•	•	•	•	•	•	•	•	•	P	P	P	P	•	A	8.48	B
Flea Market	S	•	•	•	•	•	•	•	•	•	Z	P	•	•	•	•	8.47	B, M
Garden Center	•	•	•	•	•	•	•	•	•	•	P	P	P	•	•	A	8.51	M, U
Manufactured or Modular Home Sales	•	•	•	•	•	•	•	•	•	•	•	P	•	P	•	•	8.67	B
Restaurant	•	•	•	•	•	•	•	•	P	•	P	P	P	P	•	A	8.91	A-2
Retail	•	•	•	•	•	•	•	•	•	•	P	P	P	•	•	A	8.92	M
Shopping Centers	•	•	•	•	•	•	•	•	•	•	•	Z	•	S	•	A	8.99	M
Wholesales	•	•	•	•	•	•	•	•	•	•	•	P	S	P	•	A	8.113	M
Vehicle Services																		
Boat & RV Storage	•	•	•	•	•	•	•	P	•	•	•	Z	Z	•	•	•	8.19	S-1
Car Wash or Auto Detailing	•	•	•	•	•	•	•	•	•	•	P	P	P	P	•	A	8.25	B
Commercial Truck Wash	•	•	•	•	•	•	•	•	•	•	S	P	•	P	•	A	8.32	B
Parking Lot as a Principal Use	•	•	•	•	•	•	•	•	•	•	P	P	P	P	Z	A	8.80	S-2
Taxi Service	•	•	•	•	•	•	•	•	•	•	Z	P	•	P	•	A	8.104	B, A-3
Vehicle, Auto Parts, Tires, Farm Equipment, Boat, RV – Sales, Rental, or Service	•	•	•	•	•	•	•	•	•	•	P	P	P	P	•	A	8.108	B, S-1
Vehicle Service Station (Gas Stations)	•	•	•	•	•	•	•	•	•	•	P	P	Z	P	•	A	8.109	M
Vehicle Wrecker Service	•	•	•	•	•	•	•	•	•	•	Z	Z	•	P	•	•	8.110	S-1

CHAPTER 6. TABLE OF USES
SECTION 6.1. PRINCIPAL USE TABLE

PRINCIPAL USE TABLE

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Principal Use Type	Zoning Districts [1]																Specific Use Standards	Bldg. Code Class.
	RA	RA-20	RA-40	RA-2	RA-5	RA-USB	RE	GC-SL	GC-WL	PC	B-1	B-2	VB	L	MF-CZ	PD-CZ		
Adult Uses																		
Adult Gaming Establishment	•	•	•	•	•	•	•	•	•	•	•	•	•	S	•	•	8.6	B
Bar / Tavern	•	•	•	•	•	•	•	•	•	•	•	P	S	•	•	A	8.16	A-2
Brewery / Winery	S	•	•	•	•	•	•	•	•	•	•	P	P	P	•	A	8.21	A-2, F
Dance Club / Night Club / Billiards	•	•	•	•	•	•	•	•	•	•	•	P	Z	•	•	•	8.37	A-2, A-3
Distillery	•	•	•	•	•	•	•	•	•	•	•	•	•	P	•	A	8.39	F-1
Massage & Bodywork Therapy	•	•	•	•	•	•	•	•	•	•	P	P	P	P	•	A	8.72	B
Pawn Shop	•	•	•	•	•	•	•	•	•	•	•	P	Z	P	•	•	8.81	B
Sexually Oriented Business	•	•	•	•	•	•	•	•	•	•	•	•	•	S	•	•	8.96	A-2, M
Tattoo Parlor, Body Piercing	•	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•	8.103	B
EDUCATIONAL & INSTITUTIONAL USES																		
Cemetery or Mausoleum, Commercial	S	•	S	S	•	•	S	•	•	•	P	•	•	•	•	•	8.26	n/a
Child Care Facility	S	S	S	S	P	S	S	•	S	•	P	P	S	•	•	A	8.28	E, I
College / Business & Trade School	S	•	•	•	•	•	•	•	•	•	•	P	•	P	•	A	8.31	B
Funeral Home with Crematorium	•	•	•	•	•	•	•	•	•	•	P	P	P	P	•	A	8.50	A-3, B
Government Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Z	A	8.54	B
Hospital	•	•	•	•	•	•	•	S	S	•	•	•	•	•	•	A	8.59	I
Museum / Art Gallery	S	•	•	•	•	•	•	•	•	•	P	P	P	•	•	A	8.76	A-3
Religious Institution	S	•	•	P	P	P	•	S	S	•	P	P	P	•	•	A	8.90	A-3, E
Security Training Facility	S	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	8.95	B
School, Elementary / Middle / High	S	•	•	P	P	P	•	S	S	•	P	P	P	•	•	A	8.94	E
RECREATION USES																		
Airport, Public or Private	S	•	•	•	•	•	•	•	•	•	•	•	•	Z	•	A	8.8	A-3, B
Airstrip, Small Private	S	•	•	•	•	•	•	•	•	•	P	•	•	•	•	A	8.9	B
Assembly Hall	Z	•	•	•	•	•	•	•	Z	•	•	Z	Z	P	•	A	8.13	A-4, A-5
Camp or Care Center	P	•	•	•	•	•	•	•	•	•	•	•	•	•	•	A	8.22	A-3, R-1

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	RA	RA-20	RA-40	RA-2	RA-5	RA-USB	RE	GC-SL	GC-WL	PC	B-1	B-2	VB	I	MF-CZ	PD-CZ		
Campground, Public and Private	P	•	•	•	•	•	•	•	•	•	•	•	•	•	•	A	8.23	A-3, R-1
Camp, Recreation Day	P	•	•	•	•	•	•	•	•	•	•	•	•	•	•	A	8.24	A-3
Civic / Social Club, Lodge, Organization	S	•	•	P	P	P	•	S	S	•	P	P	P	•	•	A	8.30	A-2, A-3
Golf Driving Range	•	•	•	•	•	•	•	S	S	P	•	P	•	•	•	A	8.53	A-3
Golf Course (including par 3)	•	•	•	•	•	•	•	S	S	P	•	P	•	•	•	A	8.52	U
Marina (fuel & supplies)	•	•	•	•	•	•	•	P	P	•	•	•	•	•	•	A	8.71	M
Neighborhood Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Z	A	8.77	U
Recreation, Indoor	•	•	•	•	•	•	•	•	•	•	S	P	S	•	•	A	8.87	A-5
Recreation, Low Impact Outdoor	P	•	P	P	P	P	P	P	P	•	P	P	S	•	•	A	8.88	A-5
Recreation, High Impact Outdoor	Z	•	•	•	•	•	•	•	•	•	•	•	Z	P	•	•	8.89	
Shooting Range, Indoor	Z	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•	8.97	A-5
Shooting Range, Outdoor	Z	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•	8.98	A-5
Zoo / Petting Zoo	Z	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•	8.116	A-5, U
INDUSTRIAL USES																		
Production																		
Manufacturing & Sales, Pottery	P	•	•	•	•	•	•	•	•	•	P	P	P	P	•	•	8.84	F
Manufacturing, Light (no odors or smoke)	•	•	•	•	•	•	•	•	•	•	•	•	•	P	•	A	8.69	F
Manufacturing, General	•	•	•	•	•	•	•	•	•	•	•	•	•	Z	•	•	8.70	F-1, F-2
Utilities / Services																		
Contractors Storage Yard and Office	Z	•	•	•	•	•	•	•	•	•	•	P	•	P	•	•	8.34	S-1, U
Crematorium Facility	•	•	•	•	•	•	•	•	•	•	•	Z	•	P	•	•	8.36	B
Freight Terminal	Z	•	•	•	•	•	•	•	•	•	•	S	•	S	•	•	8.49	S-1, S-2
Public & Private Utility Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Z	A	8.85	U
Solar Collector Facility	•	•	•	•	•	•	•	•	•	•	•	•	•	S	•	•	8.101	U
Antenna Collocation, Major	S	S	S	P	P	P	P	•	•	•	P	P	P	P	Z	A	8.114	U
Antenna Collocation, Minor	P	P	P	P	P	P	P	P	P	•	P	P	P	P	Z	A	8.114	U
Small Wireless Facility	S	S	S	P	P	S	P	P	P	•	P	P	P	P	Z	A	8.114	U
Telecommunications Tower, Major	Z	•	•	•	•	•	•	•	•	•	•	Z	•	Z	•	A	8.114	U

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-USB	RE	GC-SL	GC-WL	PC	B-1	B-2	VB	I	MF-CZ	PD-CZ		
Telecommunications Tower, Minor	S	•	•	•	•	•	•	•	•	•	P	P	S	P	Z	A	8.114	U
Warehousing																		
Mini-Warehouse (self service)	•	•	•	•	•	•	•	•	P	•	Z	Z	Z	Z	•	A	8.73	S
Warehousing or Distribution Center	Z	•	•	•	•	•	•	•	•	•	•	S	•	P	•	•	8.112	S-1, S-2
Waste-Related Services																		
Debris Management Facility	Z	•	•	•	•	•	•	•	•	•	Z	•	•	P	•	•	8.38	U
Hazardous Waste / Toxic Chemical Disposal or Processing	•	•	•	•	•	•	•	•	•	•	•	•	•	S	•	•	8.56	U
Landfill	•	•	•	•	•	•	•	•	•	•	•	•	•	S	•	•	8.64	U
Mining / Quarry Operation	Z	•	•	•	•	•	•	•	•	•	•	•	•	S	•	•	8.74	U
Salvage Yard	•	•	•	•	•	•	•	•	•	•	•	•	•	S	•	•	8.93	U
MAJOR SUBDIVISIONS																		
Residential Major Subdivision	•	S	S	•	•	S	•	•	•	•	•	•	•	•	•	•	Ch. 19	
Non-residential Major Subdivision	•	•	•	•	•	•	•	•	•	•	•	S	•	S	•	•	Ch. 19	
NOTES:																		
[1] Land located within the Highway Corridor Overlay District shall be subject to the sub-district-based use related provisions in Section 7.11 of this Ordinance.																		

SECTION 6.2. ACCESSORY USES

A. DEFINITION

An accessory use or building shall be incidental and subordinate to the principal use or building and shall be conducted or located on the same lot. Examples of accessory buildings may include garages, carports, barns, and storage buildings.

B. PROCEDURE FOR ESTABLISHMENT

Accessory uses or structures may be approved in conjunction with the approval of the principal use or subsequently following the establishment of the principal use through the approval of a zoning permit or special use permit, as appropriate. Except for personal workshop/storage buildings, no accessory use or structure shall be approved, established, or constructed before a principal use is approved in accordance with this Ordinance.

C. GENERAL STANDARDS FOR ALL SECONDARY USES AND STRUCTURES

1. PERMITTED ACCESSORY USES AND STRUCTURES

Except for accessory dwellings, permitted accessory uses and structures shall:

- i.** Be clearly incidental to an allowed principal use or structure;
- ii.** Be subordinate to and serve an allowed principal use or structure;
- iii.** Be subordinate in area, extent, and purpose to the principal use or structure; and
- iv.** Contribute to the comfort, convenience, or needs of occupants associated with the principal use or structure.

2. LOCATION OF ACCESSORY USES AND STRUCTURES

- i.** Except on lots in the RA district, accessory buildings shall be located in the rear or side yard. Accessory uses and structures in the RA zoning district may also be located in the front yard, subject to the required accessory building setbacks.
- ii.** Accessory horse stables are permitted in the front or side yard in the RA and RE zoning districts.
- iii.** Except for fences and walls contributing to the screening function of a landscaping buffer, no accessory structure shall be located within a required landscaping area.
- iv.** No accessory use or structure may be located in a required setback except as permitted by this Ordinance.
- v.** No accessory use or structure shall:
 - 01.** Be located within a designated fire lane;
 - 02.** Obstruct required sight distance triangles;
 - 03.** Impede ingress or egress to a lot, site, or principal structure;
 - 04.** Be located above or beneath public utilities (except for fences or walls);
 - 05.** Interfere with drainage or stormwater control measures; or
 - 06.** Be within an emergency access route designated on an approved site plan.
- vi.** Except for authorized stormwater control measures within a drainage easement, no accessory use or structure shall be located within any platted or recorded easement without the prior written consent of the landowner.

3. STRUCTURE HEIGHT

- i.** Accessory structures shall comply with the height requirements for the zoning district where located.
- ii.** Except for agricultural uses, no accessory structure's height shall exceed the height of the principal use.

4. MAXIMUM STRUCTURE SIZE

- i.** No accessory use or structure shall exceed the floor area associated with the principal use or structure it serves.

CHAPTER 6. TABLE OF USES

SECTION 6.2. ACCESSORY USES

D. COMPLIANCE WITH OTHER ORDINANCE REQUIREMENTS

Accessory uses and structures shall conform to the applicable requirements of this Ordinance, including this section, the district standards, the applicable use standards, and the development standards.

E. ACCESSORY USE TABLE

1. If a specific accessory use is allowed by-right, the cell underneath the zoning district is marked with a "P".
2. If a specific accessory use is allowed subject to a special use permit, the cell underneath the zoning district is marked with a "S".
3. A "Z" in a cell of the table indicates that the specific accessory use may only be permitted within a conditional zoning district that is parallel to the listed underlying zoning district (see Chapter 11). The conditional zoning district designation must be in place before the use type may be established.
4. If the accessory use or structure is not allowed in a zoning district, the cell is marked with an "•".
5. In the case of planned development districts, if an accessory use is allowable, it is marked with an "A", and the accessory use must be set out in the approved master plan or terms and conditions document.
6. If there is a reference contained in the column entitled "Specific Use Standards," refer to the cited section(s) for additional standards that apply to the specific accessory use.
7. The accessory use table below may not be inclusive of all possible accessory uses, and in the event an accessory use is proposed that is not listed in the table, the Administrator shall consult the principal use table to determine if the proposed accessory use corresponds to a listed principal use. Any permitted principal use in a zoning district is also permitted as an accessory use. In no instance shall an accessory use be permitted in a zoning district where it is prohibited as a principal use.
8. In the event a proposed accessory use is not listed in the table below and there is no corresponding principal use, the Administrator shall determine how to treat the accessory use in accordance with the standards for unlisted uses (see Section 6.1.G).

ACCESSORY USE TABLE																		
Accessory Use Type	RA	RA-20	RA-40	RA-2	RA-5	RA-USB	RE	GC-SL	GC-WL	PC	B-1	B-2	VB	L	MF-CZ	PD-CZ	Specific Use Standards	Bldg. Code Class.
RESIDENTIAL USES																		
Accessory Dwelling Located within Stick-Built Dwelling	P	P	P	P	P	P	P	•	•	•	•	•	•	•	Z	A	8.1	R
Accessory Dwelling Located within Non-Residential Building	•	•	•	•	•	•	•	•	•	•	P	P	P		Z	A	8.2	Mix
Accessory Manufactured Home	P	P	P	P	P	P	P	•	•	•	•	•	•	•	Z	A	8.3	R
Accessory Stick-Built Dwellings	P	P	P	P	P	P	P	•	•	•	•	•	•	•	Z	A	8.4	R
Carport or Garage	P	P	P	P	P	P	P	P	P	•	P	P	P	P	Z	A	6.2	R,S
Home Occupation, Level 1	P	P	P	P	P	P	P	P	P	•	•	•	•	•	Z	A	8.57	R
Home Occupation, Level 2	Z	•	•	Z	Z	•	Z	•	•	•	•	•	•	•	Z	A	8.58	R
Personal Workshop / Storage Building	P	P	P	P	P	P	P	•	•	•	•	•	•	•	Z	A	8.82	R, S
Family Health Care Structure	P	P	P	P	P	P	P	P	P	•	•	•	•	•	•	A		R
COMMERCIAL USES																		
Automatic Teller Machine (ATM)	•	•	•	•	•	•	•	•	•	•	P	P	P	P	•	A	8.15	U
EDUCATIONAL AND INSTITUTIONAL USES																		
Cemetery, Family	P	P	P	P	P	P	P	P	P	•	•	•	•	•	•	A	8.27	n/a
Child Care Home Facility	P	S	Y	P	P	S	S	•	•	•	•	•	•	•	•	A	8.29	E, R

CHAPTER 6. TABLE OF USES
SECTION 6.3. TEMPORARY USES

ACCESSORY USE TABLE

Accessory Use Type	RA	RA-20	RA-40	RA-2	RA-5	RA-USB	RE	GC-SL	GC-WL	PC	B-1	B-2	VB	L	MF-CZ	PD-CZ	Specific Use Standards	Bldg. Code Class.
RECREATION USES																		
Accessory Swimming Pool	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Z	A	8.5	A, R
INDUSTRIAL USES																		
Amateur Radio and Receive-only Antennas	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Z	A	8.10	U
Solar Collectors, On-Site Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Z	A	8.102	U

SECTION 6.3. TEMPORARY USES

A. APPLICABILITY

The standards in this section apply to non-permanent uses that take place on a temporary basis whether on the same site or in different locations across the County's planning jurisdiction.

B. PROCEDURE FOR ESTABLISHMENT

Temporary uses or structures may be approved in conjunction with the approval of the principal use or subsequently following the establishment of the principal use through the approval of a zoning permit or special use permit, as appropriate. Temporary uses may take place on vacant lots.

C. GENERAL STANDARDS FOR ALL TEMPORARY USES AND STRUCTURES

All temporary uses and structures shall comply with the following general standards, unless otherwise specified in this Ordinance:

1. GENERAL REQUIREMENTS

An applicant proposing a temporary use or structure shall:

- i. Secure written permission from the landowner;
- ii. Obtain the appropriate permits and licenses from the County and other agencies;
- iii. Comply with the applicable requirements for signs if signage is proposed;
- iv. Meet public utility requirements for proper connection to water, sewer, electrical and other utility service connections, as applicable;
- v. Not violate the applicable conditions of approval that apply to a site or use on the site;
- vi. Not result in a situation where the principal use, if present, fails to comply with the standards of this Ordinance;
- vii. Ensure the site of a temporary use or structure contains sufficient land area for the temporary use and for the parking and traffic movement associated with the temporary use, without impacting environmentally sensitive lands; and
- viii. Ensure temporary uses remain in place no longer than 90 days if located within a special flood hazard area.

2. GENERAL CONDITIONS

In approving a zoning permit for temporary uses or structures, the Administrator is authorized to impose any of the following general conditions upon the premises benefited by the permit as may be necessary to reduce or minimize any potential adverse impacts upon other property in the area, as long as the condition relates to a situation created or aggravated by the proposed temporary use. The Administrator is authorized, where appropriate, to require:

- i. Provision of temporary parking facilities, including vehicular access and egress;

CHAPTER 6. TABLE OF USES

SECTION 6.3. TEMPORARY USES

- ii. Control of nuisance factors, such as but not limited to, the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, and heat;
- iii. Prohibition of the storage or use of hazardous materials;
- iv. Regulation of placement, height, size, and location of equipment;
- v. Provision of sanitary and medical facilities;
- vi. Provision of solid waste collection and disposal;
- vii. Provision of security and safety measures;
- viii. Use of an alternate location or date;
- ix. Modification or elimination of certain proposed activities; and
- x. Regulation of operating hours and days, including limitation of the duration to a shorter time period than requested or specified in this subsection.

D. TEMPORARY USE TABLE

1. If a specific temporary use is allowed by-right, the cell underneath the zoning district is marked with a "P".
2. If a specific temporary use is allowed subject to a special use permit, the cell underneath the zoning district is marked with a "S".
3. If the temporary use or structure is not allowed in a zoning district, the cell is marked with an "•".
4. In the case of planned development districts, if an temporary use is allowable, it is marked with an "A", and the temporary use must be set out in the approved master plan or terms and conditions document.
5. If there is a reference contained in the column entitled "Specific Use Standards," refer to the cited section(s) for additional standards that apply to the specific temporary use.
6. The temporary use table below may not be inclusive of all possible temporary uses, and in the event an temporary use is proposed that is not listed in the table, the Administrator shall consult the principal and accessory use tables to determine if the proposed temporary use corresponds to a listed principal or accessory use. In no instance shall an temporary use be permitted in a zoning district where it is prohibited as a principal or accessory use.
7. In the event a proposed temporary use is not listed in in the table below and there is no corresponding principal or accessory use, the Administrator shall determine how to treat the temporary use in accordance with the standards for unlisted uses (see Section 6.1.G).

TEMPORARY USE TABLE																		
Temporary Use Type	RA	RA-20	RA-40	RA-2	RA-5	RA-USB	RE	GC-SL	GC-WL	PC	B-1	B-2	VB	I	MF-CZ	PD-CZ	Specific Use Standards	Bldg. Code Class.
Construction Office, Temporary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Z	A	8.33	S-1
Drop-In Child Care Facility	•	•	•	•	•	•	•	•	•	•	P	P	P	•	•	A	8.40	
Itinerant Merchant	•	•	•	•	•	•	•	•	•	•	P	P	P	P		A	8.61	n/a
Land Clearing	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Z	A	8.63	F-1
Manufactured Home or RV, Temporary	P	P	P	P	P	P	P	•	•	•	•	•	•	•	•	A	8.68	R-3
Real Estate Offices, Temporary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Z	A	8.86	S-1
Temporary Events (Special Event)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Z	A	8.105	n/a
Temporary Family Health Care Structure	P	P	P	P	P	P	P	P	P	•	•	•	•	•	Z	A	8.106	R, I
Yard Sales, Residential and Civic	P	P	P	P	P	P	P	P	P	•	P	P	•	•	•	A	8.115	n/a

SECTION 6.4. PROHIBITED USES**A. USES PROHIBITED COUNTYWIDE**

1. The following use types are not listed in the principal use table, and are prohibited throughout the County's planning jurisdiction in all zoning districts.
2. In cases where one or more of these uses is lawfully established and in operation prior to November 15, 2022, the use shall be subject to the provisions in Chapter 9.
 - i. Outdoor advertising or billboards, except where prohibition is preempted by State or federal law. Outdoor advertising lawfully established prior to November 15, 2022, may be permitted to continue as a nonconforming use only in accordance with Article 5. Nonconformities, and NCGS Section 160D-912.
 - ii. Acetylene gas manufacture;
 - iii. Acid manufacture;
 - iv. Ammonia, bleaching powder, or chlorine manufacture;
 - v. Biohazard or infectious waste storage or incineration;
 - vi. Cellophane manufacture;
 - vii. Creosote manufacture or treatment plants;
 - viii. Distillation of bones, coal, petroleum, refuse, tar, or wood;
 - ix. Glue and size manufacture;
 - x. Nitrogenous tankage, fish meal or manufacture of any fertilizer materials carrying an objectionable odor;
 - xi. Oilcloth or linoleum manufacture;
 - xii. Ore reduction;
 - xiii. Vinegar manufacturing.
 - xiv. Use of a boat, houseboat, or other floating structure as a temporary or permanent residence (this shall not prevent the overnight occupancy of a vessel temporarily moored while in transit on navigable waters); and
 - xv. Use of a recreational vehicle as a permanent residence.

B. USES PROHIBITED IN SPECIAL FLOOD HAZARD AREAS

1. The following uses are prohibited in designated floodways:
 - i. Buildings, including manufactured homes; and
 - ii. Any use that would cause any increase in base flood levels.
2. The following development is prohibited in designated floodplains due to the North Carolina Flood Act of 2000:
 - i. New solid waste disposal facilities;
 - ii. New hazardous waste management facilities;
 - iii. New salvage or junkyards; and
 - iv. New chemical storage facilities.

MEMORANDUM TO THE PLANNING BOARD

FROM: Ruth Pedersen
Senior Planner

DATE: June 27, 2023

SUBJECT: Conditional Rezoning Request: Highway Commercial (B-2) and Residential and Agricultural-40 (RA-40) to Highway Commercial Conditional Zoning (B-2-CZ) – 4020 NC 73 Hwy

PRESENTER: Ruth Pedersen

REQUEST

A request for a Conditional Rezoning of four adjacent parcels of approximately 5.99 acres to Highway Commercial Conditional Zoning (B-2-CZ) for Retail Sales and a Garden Center. The first parcel of approximately 1.59 acres located on 5307 NC 211 Hwy owned by Southern Golf and Land, LLC, per Deed Book 5896, Page 149 and further described as Parcel ID 00020642 is currently zoned Highway Commercial (B-2). The second parcel of approximately 2.43 acres located on 4020 NC 73 Hwy owned by Southern Golf and Land, LLC, per Deed Book 5604, Page 221 and further described as Parcel ID 00021818 is currently zoned Residential and Agricultural-40 (RA-40). The third and fourth parcels of approximately 1.01 acres (third) and 0.96 acres (fourth) located on NC 73 Hwy owned by James D. Williams, per Deed Book 5809, Page 51 and further described as Parcel IDs 20220140 (third) and 20220139 (fourth) are currently zoned Residential and Agricultural-40 (RA-40).

Public notification consisted of publishing a legal notice in the local newspaper for two consecutive weeks, notification by certified mail to adjacent property owners, and placing public hearing signs on the property.

BACKGROUND

The subject properties include vacant land, an abandoned dwelling, and wooded areas. Adjacent properties include single-family dwellings, a church, vacant commercial properties, and a filling station.

The proposed rezoning site is on the corner of NC 73 Hwy and NC 211 Hwy. According to the site-specific development plan, the proposed development will have one driveway on NC 73 Hwy and one on NC 211 Hwy. The site-specific development plan accounts for the NC 211 widening project. The NCDOT Annual Average Daily Traffic Count on NC 73 Hwy at this

location is 3,400 trips per day (2021). On NC 211 Hwy at this location, it is 13,000 trips per day (2021).

Ordinance Standards:

The proposed use is considered Retail Sales defined as “establishments where the principal use is for the sale or rental of goods or merchandize 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).” The standards for Retail Sales are found in Section 8.92 of the Moore County Unified Development Ordinance:

- All other retail sales uses shall provide at least one off-street parking space for every 300 square feet of gross floor area, minus storage area. **The submitted site plan shows a total of 17,097 square feet of floor area minus 5,224 square feet of storage areas which would require 57 parking spaces and 74 parking spaces are provided.**

The use would also include a Garden Center defined in Section 8.51 of the UDO as “a place of business where retail and wholesale products and produce are sold to the consumer. Garden 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. The standards for Garden Centers are found in Section 8.51 of the UDO:

- Garden centers shall provide at least one off-street parking space for each employee. **The submitted site plan states that there will be 15 employees and 74 parking spaces are provided.**
- **The total required parking is 72 and the submitted site plan shows 74 spaces are provided.**

Other Applicable Ordinance Standards:

Section 7.8 Highway Corridor Overlay District:

The property is in the Urban Transition Highway Corridor Overlay District which is intended to improve property, support the natural conditions, and keep development consistent with the visual character and appearance of the nearby Towns.

- A stormwater management plan shall be submitted as part of the application for development in the HCOD. **The applicant is required to submit a stormwater management plan prior to applying for building permits.**
- Building standards
 - The front building setback from the highway ROW is 75 feet. **The submitted site plan shows 75-foot setbacks from highway ROW.**
 - The building setback from residential districts is 50 feet. **The submitted site plan shows 50-foot setbacks from residentially zoned property lines.**
 - The building setback from non-residential districts is 25 feet. **The submitted site plan shows 25-foot setbacks from non-residentially zoned property lines.**
- Building Design

- Principal building entrances shall be oriented to public streets or toward corners of streets. **The submitted site plan shows entrance oriented towards NC 73 Hwy.**
- Utility services shall be located underground. Wooden poles are prohibited. **No wooden poles are proposed.**
- Exterior walls shall be at least 60% glass, brick, stone, cementitious siding, and wood clapboard siding on all sides of the building. Corrugated metal, plywood, particleboard, untreated wood, and similar material are prohibited. **The submitted building schematic shows the exterior of the building meets these requirements.**
- Pitched roofs shall be clad in wood shingles, standing seam metal, slate, or asphalt shingles. **Standing seam metal is to be used for the pitched roof.**
- High intensity, bright, metallic, fluorescent or neon façade colors are prohibited. **None of these colors will be used.**
- Neon tubing is not allowed as accent material. **No neon tubing will be used.**
- Accessory buildings and structures associated with a shopping center shall be of similar design, materials, and color as the principal structure. **No accessory structures are proposed.**
- No accessory uses or structures are permitted in the front yard. **No accessory structures are proposed.**
- Height
 - The maximum building or structure height shall not exceed 35 feet. **The proposed maximum height is 33 feet.**
 - Flagpoles and similar devices shall be limited to 35 feet in height. **No flagpoles are proposed.**
 - All mechanical, electrical, communications, and service equipment, including satellite dishes shall be set back from the edge of the roof a minimum distance of one foot for every foot the feature extends above the roof surface. **All roof equipment is set back and completely shielded from view beyond a parapet wall.**
 - Screen or parapet walls shall be constructed to the height of any fixture taller than three feet in height above the surface of the roof that would be visible from a street or abutting residential property. **All roof equipment is completely shielded from view beyond a parapet wall.**
- Fences
 - Fences may be located along or in side and rear yards only. No fencing is permitted within a front or corner side yard. **All fencing will be located in the side yard.**
 - Fences and walls shall be subject to the standards for Type 1 screening (see Section 7.11) as well as the following :
 - Chain link fences shall be vinyl coated and be of a neutral color such as green, brown, or black; **Chain link fences will be black vinyl coated.**
- Parking

- The required parking setback from the highway right-of-way line is at least 50 feet. **The submitted site plan shows 50-foot parking setbacks.**
- A development with 75 or fewer parking spaces may have a maximum of up to two rows of parking spaces located between any street and the front elevation of a building. All other off-street parking must be located on the side or rear of the building. **The development has less than 75 parking spaces.**
- Off-street parking lot paving is required in the Urban Transition sub-district only. **Off street parking will be paved.**
- Striping of individual off-street parking spaces is required in the Urban Transition sub-district only. **The parking spaces will be striped.**
- Curbing around off-street parking and vehicular use areas is required in the Urban Transition sub- district only. **Curbing or tire stops will be provided in all off-street parking spaces.**
- Parking areas shall be maintained to provide for vehicle access and shall be kept free of litter, debris, outdoor display and sales activities, and material storage, including portable containers. **Parking areas shall be maintained in accordance with this section.**
- Parking for service vehicles and loading areas shall be designated, located, and screened with Type 1 or Type 2 screening (see Section 7.11) to minimize the view from adjacent properties and rights-of-way at the rear of the buildings. **The loading areas located at the rear of the building and are screened from the adjacent properties using Type 3 screening. Type 3 screening is a wider buffer than type 2 (type 3 is 20-foot-wide strip of trees and shrubs, type 2 is a single row of shrubs).**
- Off-street parking areas may be used only for temporary parking and not for any type of loading, sales, dead storage, or repair work. **The off-street parking areas will not be used for any of the above.**
- Access
 - Any lot that is to be created or any existing lot on which a structure is to be erected or a use to be established shall be accessible to a public or private street right-of-way. **The property is accessible to public street rights-of-way.**
 - The maximum driveway width is 36 feet. **Driveways will be 36 feet wide.**
 - The maximum number of driveways per lot is two. **Two driveways are shown on the submitted site plan.**
 - Where two or more driveways are located on the same lot, the minimum distance between the driveways shall be 30 feet. **The two driveways shown are more than 30 feet apart.**
 - The minimum distance between a street intersection and a driveway entrance is 100 feet, except in cases where no other lot access to a street is available. **The driveways are at least 100 feet from the intersection as shown on the submitted site plan.**
- Screening along highway rights of way

- Lot lines abutting a highway right-of-way shall provide a 50-foot-wide landscaping buffer that includes at least 18 trees (with at least 50% evergreen) and 25 shrubs per 100 linear feet of buffer. **The submitted site plan shows the buffer as detailed above.**
- New or supplemental trees planted within the required buffer shall grow to at least 10 feet in height within five years of planting. **The applicants will be required to ensure this is met within five years.**
- New or supplemental shrubs planted within the required buffer shall grow to at least five feet in height within five years of planting. **The applicants will be required to ensure this is met within five years.**
- Vegetation within the required buffer area shall be distributed along the entire length and width of the planted buffer. **Vegetation is proposed to be distributed along the entire length and width of the buffer.**
- A mixture of plant types is recommended to mitigate the spread of disease. **A mixture of plant types will be provided.**
- Vehicular use area screening
 - Perimeter screening of vehicular use areas is required in the Urban Transition sub-district only. **Type 3 perimeter screening is provided.**
 - New or supplemental trees planted as part of the perimeter screening shall grow to 10 feet in height within five years of planting. **The applicants will be required to ensure this is met within five years.**
 - Shrubs planted as part of perimeter screening shall grow to three feet in height within three years of planting. **The applicants will be required to ensure this is met within three years.**
 - All off-street parking, loading, and service areas shall be screened from view by use of one or more of the following: A building, a stone or brick wall, which may only be located within side or rear yards, one tree, other than a longleaf pine, located every 30 feet on-center and one shrub located every three feet on-center, or establishment of a type 1,2, or 3 perimeter screen along lot lines in locations not more than 20 feet from vehicular use area's edge. **The vehicular use areas will utilize the perimeter screening not located more than 20 feet from the vehicular use area's edge.**
 - Screening within vehicle use areas is required in the Urban Transition sub-district only. **Screening within vehicle use areas will be provided as shown on the submitted site plan.**
 - In addition to exterior screening requirements, trees shall be installed in planting areas within parking lots to provide shade coverage and break up large areas of impermeable surface allowing areas for water infiltration. **Trees will be provided in parking lots as shown on the submitted site plan.**
 - New or supplemental trees planted in vehicle use areas shall grow to 10 feet in height within five years of planting. **The applicants will be required to ensure this is met within five years.**

- Planting areas shall meet the following requirements: Two trees, excluding longleaf pines, for 10 parking spaces distributed throughout the vehicular use area. Landscaped areas containing trees that are surrounded by impervious surfaces shall have a minimum width of nine feet and include a minimum planting area of 150 square feet each. In addition to required trees, each planting area shall include evergreen shrubs configured so that there are at least four evergreen shrubs for every 10 parking spaces. In no instance shall shrubs be installed in a configuration that will interfere with their normal growth habit and diameter. Each planting area shall be landscaped with mulch, groundcover, shrubs, or grass to protect against soil erosion. Barriers, such as wheel stops or six-inch standard curbs, must be provided between vehicular use areas and landscaped areas. **The submitted site plan shows two trees and four shrubs for every 10 parking spaces. The planting areas will be at least nine feet in width and include a minimum planting area of 150 square feet. Barriers will be provided between vehicular use areas and landscaped areas.**
- Dumpster, mechanical and electrical equipment, outdoor storage screening
 - All storage facilities shall be located to the rear of the primary building and shielded from any public roadway or adjacent property by means of type 1 (chained link is prohibited) or type 2 screening, unless already screened by a buffer yard. **The dumpster will be located to the rear of the building and screened by a five foot high solid wall.**
 - Dumpster screening shall be at least five feet in height. **The dumpster will be located to the rear of the building and screened by a five foot high solid wall.**
- Signs
 - The maximum height for a sign is six feet, sign colors shall be uniform between ground signs and wall signs on the same lot or site, sign colors shall be muted, off-premises signs are prohibited. **The proposed signs will be permitted under a separate submittal and will be required to meet the above standards.**
- Lighting
 - Light source locations shall be chosen to minimize the hazards of glare, the ratio of spacing to mounting height shall not exceed a four-to-one ratio. **All exterior lighting will be shielded to prevent light from directly hitting abutting property or any public right of way as listed on the submitted site plan.**
 - Electronic changeable message signs are prohibited. **No electronic changeable message signs are proposed.**
 - The maximum mounting height of illumination is 30 feet from the ground to the light source. Light poles and fixtures shall be a matte or low-gloss grey, black, dark earthen, or bronze finish to minimize glare from the light source. **Any exterior lights will not exceed the maximum height and will minimize glare.**
 - The maximum average-maintained illumination is 3.0 lumens per square feet at the property line. The light source must be white light. The use of laser source light or any similar high intensity light for outdoor entertainment or advertisement is prohibited. Awnings and canopies shall not be illuminated internally. **All**

exterior lighting will be shielded to prevent light from directly hitting abutting property or any public right of way, the light sources will be white light, laser source lighting will not be used, and awnings and canopies will not be illuminated internally.

Chapter 16. Watershed Overlay Districts:

The property is located within the Cape Fear Little River (Vass) WS-IIIP watershed which restricts non-residential development to 24% built upon area or up to 70% with SNIA approval.

- Existing impervious surface: 0 square feet (0% of parcel)
- Proposed impervious surface: 133,375 square feet (52.25% of parcel)

The applicant will be required to obtain approval of a Special Non-residential Intensity Allocation (SNIA) from the Watershed Review Board prior to obtaining any permits for construction.

The property is also located within a High-Quality Watershed. The applicant will be required to obtain a Post-Construction Stormwater Management Permit from the North Carolina Department of Environmental Quality Division of Energy, Mineral and Land Resources prior to obtaining any permits for construction.

Other factors affecting this parcel:

The nearest Voluntary Agricultural District is approximately 550 feet away.

COMMUNITY MEETING

The community meeting was conducted at the proposed rezoning site (4020 NC 73 Hwy) on May 4, 2023 between 4:00 PM and 5:00 PM. Adjacent property owners were notified by certified return receipt mail, sent on April 20, 2023. Please refer to the attached report for more details.

CONDITIONAL ZONING (CZ)

Conditional rezoning affords a degree of certainty in land use decisions not possible when rezoning to a conventional 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. Pursuant to NCGS 160D-703, conditional zoning districts require 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.

Parallel conditional zoning districts are restricted to those uses (meaning either one or multiple uses) listed in the corresponding general use zoning district. The request shall be in compliance with all relevant portions of the UDO.

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

Conditional Rezoning – Retail Sales and Garden Center – 4020 NC 73 Hwy

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 160D-703(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 reasonable expected to be generated by the development or use of the site.

ZONING DISTRICT COMPATIBILITY

The requested rezoning to Highway Commercial Conditional Zoning (B-2-CZ) is consistent with the existing uses located along NC 211 Highway and NC 73 Highway including retail and other commercial and industrial uses. The surrounding area is zoned B-2, RA-40 and RA-20.

CONSISTENCY WITH THE 2013 MOORE COUNTY LAND USE PLAN

The future land use map identifies the property as Commercial/Office/Retail/Institutional Classification. The requested zoning to Highway Commercial-Conditional Zoning (B-2-CZ) is compatible with the Commercial/Office/Retail/Institutional Land Use Classification as the request is limited to a retail use.

The Land Use Plan states the Commercial/Office/Retail/Institutional Land Use Classification includes shopping/retail uses, dining, entertainment, services, general office space, medical offices, banks, schools, daycares, places of worship, libraries, etc.

The Moore County Unified Development Ordinance states the Highway Commercial (B-2) district is 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 configured to minimize conflicts with surrounding residential areas.

The retail use is specifically called for in the Commercial/Office/Retail/Institutional Land Use Classification. Additionally, the submitted site-specific development plan utilizes buffering to minimize conflicts with surrounding residential areas. The proposed store will provide a variety of goods to support nearby rural communities and the location at the intersection of two highways will be accessible by residents from surrounding neighborhoods.

The rezoning request aligns with the following Goals and Recommendations as included in the attached Land Use Plan Consistency Statement:

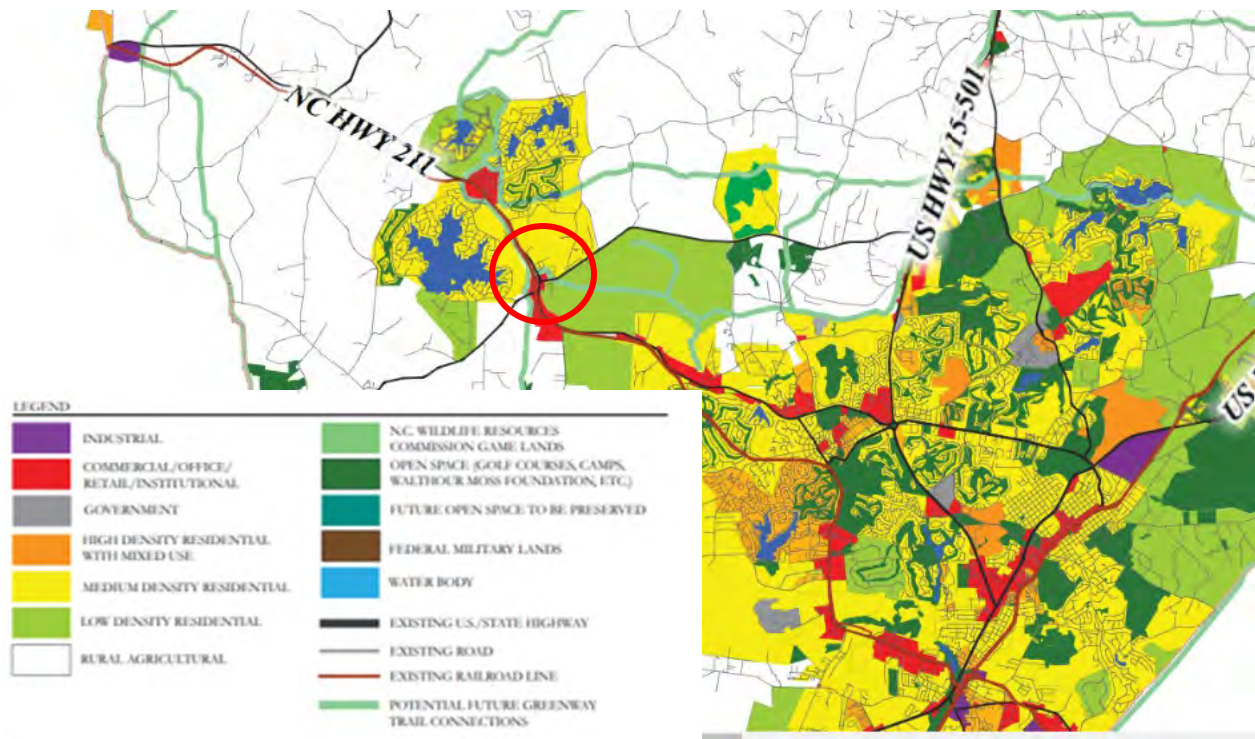
Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around municipalities),

- Recommendation 1.8: Discourage undesirable or unattractive land uses, especially within high visibility areas. Action 1.8.5: Support and promote infill development that will optimize the use of existing infrastructure.
 - The subject site is currently partially zoned B-2 which allows a wide range of uses. The proposed Conditional Zoning will limit the site to a low-impact retail use that will serve the residents of nearby communities.
 - The development will utilize existing water infrastructure in this location.

Goal 3: Optimize the Uses of Land Within the County of Moore

- Recommendation 3.1: Maximize accessibility among living, working, and shopping areas. Action 3.1.2: Encourage non-residential development to locate near major transportation routes and areas served by adequate water, sewer, natural gas, broadband, and electric power.
- Recommendation 3.4: Encourage development in areas where the necessary infrastructure (roads, water, sewer, and schools) are available, planned or most cost-efficiently be provided and extended to serve development.
 - The proposed site is located at the intersection of two major transportation routes in Moore County. The proposed use would take advantage of and work cooperatively with the planned traffic improvements along Highway 211.

MOORE COUNTY FUTURE LAND USE MAP



RECOMMENDATION

Conditional Rezoning – Retail Sales and Garden Center – 4020 NC 73 Hwy

Staff recommends the Moore County Planning Board make two separate motions:

Motion #1: Make a motion to adopt the attached **Approval** or **Denial** Moore County Planning Board Land Use Plan Consistency Statement and authorize its Chairman to execute the document as required by North Carolina General Statute 160D-604.

Motion #2: Make a motion to recommend **Approval** or **Denial** to the Moore County Board of Commissioners of the Conditional Rezoning of four adjacent parcels of approximately 5.99 acres to Highway Commercial Conditional Zoning (B-2-CZ) for Retail Sales and a Garden Center as follows:

5307 NC 211 Hwy, approximately 1.59 acres, owned by Southern Golf and Land, LLC, per Deed Book 5896, Page 149, Parcel ID 00020642 from Highway Commercial (B-2) to Highway Commercial Conditional Zoning (B-2-CZ).

4020 NC 73 Hwy, approximately 2.43 acres, owned by Southern Golf and Land, LLC, per Deed Book 5604, Page 221, Parcel ID 00021818 from Residential and Agricultural-40 (RA-40) to Highway Commercial Conditional Zoning (B-2-CZ).

Property located on NC 73 Hwy, approximately 1.01 acres, owned by James D. Williams, per Deed Book 5809, Page 51, Parcel ID 20220140 from Residential and Agricultural-40 (RA-40) to Highway Commercial Conditional Zoning (B-2-CZ).

Property located on NC 73 Hwy, approximately 0.96 acres, owned by James D. Williams, per Deed Book 5809, Page 51, Parcel ID 20220139 from Residential and Agricultural-40 (RA-40) to Highway Commercial Conditional Zoning (B-2-CZ).

ATTACHMENTS

- Pictures of Property and Adjacent Properties
- Planning Board Consistency Statement – Approval
- Planning Board Consistency Statement – Denial
- Vicinity Map
- Land Use Map
- Zoning Map
- Landmarks Map
- Submitted Conditional Rezoning Application
- Deed Book 5896, Page 149
- Deed Book 5604, Page 221
- Deed Book 5809, Page 51
- Submitted Site Specific Development Plan
- Community Meeting Report

VIEW OF SUBJECT PROPERTY



VIEW OF INTERSECTION OF 211 & 73



VIEW OF NC 73 HWY LOOKING EAST



VIEW ACROSS NC 211 HWY



Conditional Rezoning – Retail Sales and Garden Center – 4020 NC 73 Hwy

VIEW OF INTERSECTION OF 73 & 211



Moore County Planning Board
Land Use Plan Consistency Statement
Conditional Rezoning B-2 & RA-40 to B-2-CZ 4020/NC 73 Hwy, 5307 NC 211 Hwy

The Moore County Planning Board Finds that:

The proposed conditional rezoning is consistent with the following goals as listed in the 2013 Moore County Land Use Plan:

1. It is consistent with Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around municipalities).
 - Recommendation 1.8: Discourage undesirable or unattractive land uses, especially within high visibility areas. Action 1.8.5: Support and promote infill development that will optimize the use of existing infrastructure.
 - o The subject site is currently partially zoned B-2 which allows a wide range of uses. The proposed Conditional Zoning will limit the site to a low-impact retail use that will serve the residents of nearby communities.
 - o The development will utilize existing water infrastructure in this location.
2. It is consistent with Goal 3: Optimize the Uses of Land Within the County of Moore
 - Recommendation 3.1: Maximize accessibility among living, working, and shopping areas. Action 3.1.2: Encourage non-residential development to locate near major transportation routes and areas served by adequate water, sewer, natural gas, broadband, and electric power.
 - Recommendation 3.4: Encourage development in areas where the necessary infrastructure (roads, water, sewer, and schools) are available, planned or most cost-efficiently be provided and extended to serve development.
 - o The proposed site is located at the intersection of two major transportation routes in Moore County. The proposed use would take advantage of and work cooperatively with the planned traffic improvements along Highway 211.

The proposed text amendment is reasonable and in the public interest because:

1. It supports the current 2013 Moore County Land Use Plan goals and recommendations listed above.
2. The proposed conditional rezoning allows for the operation of a low-impact retail use in an area that is designated for retail on the Moore County Future Land Use Map.

Therefore, the Moore County Planning Board recommends **APPROVAL** of the conditional rezoning, as proposed.

Joe Garrison, Chair
Moore County Planning Board

Date

Moore County Planning Board
Land Use Plan Consistency Statement
Conditional Rezoning B-2 & RA-40 to B-2-CZ 4020/NC 73 Hwy, 5307 NC 211 Hwy

The Moore County Planning Board finds that:

The proposed conditional rezoning is not consistent with the following goals as listed in the 2013 Moore County Land Use Plan:

1. It is not consistent with Goal 2: Enhance the Union of the Built and Natural Environments to Improve Citizen Health through the Use of Open Space and Recreational Opportunities.
 - Recommendation 2.3: Provide both passive and active recreational opportunities for County residents by protecting natural resources that have recreational, environmental, or aesthetic value. Action 2.3.1: Preserve natural resources, sensitive environmental areas, and scenic features of the landscape that have recreational, environmental, or aesthetic value.
 - o The proposed rezoning would allow for non-residential development within a High Quality Watershed.

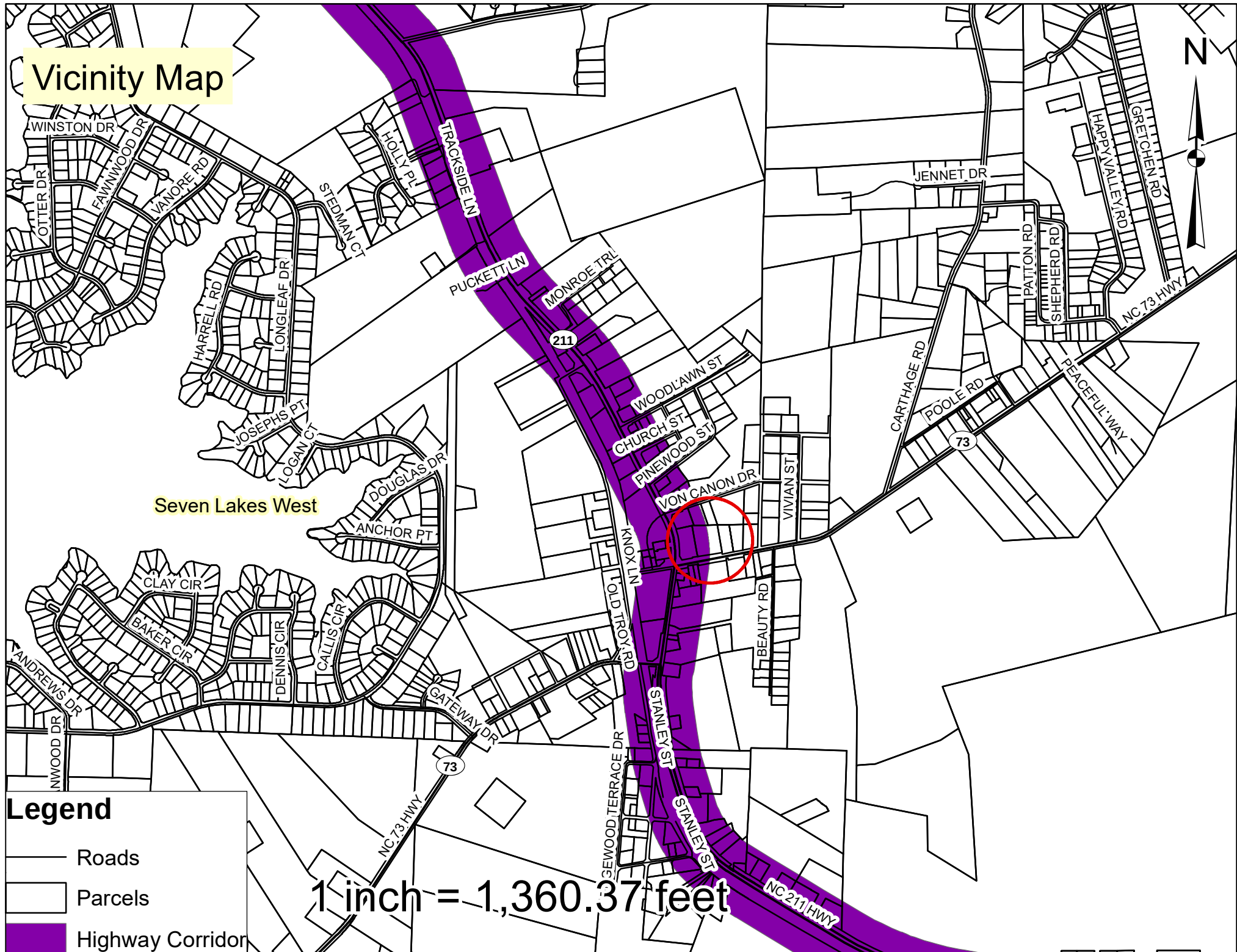
The proposed conditional rezoning is not reasonable and not in the public interest because the proposed conditional rezoning will have an unreasonable impact on the surrounding community.

Therefore, the Moore County Planning Board recommends **DENIAL** of the conditional rezoning, as proposed.

Joe Garrison, Chair
Moore County Planning Board

Date

Vicinity Map



Land Use Map

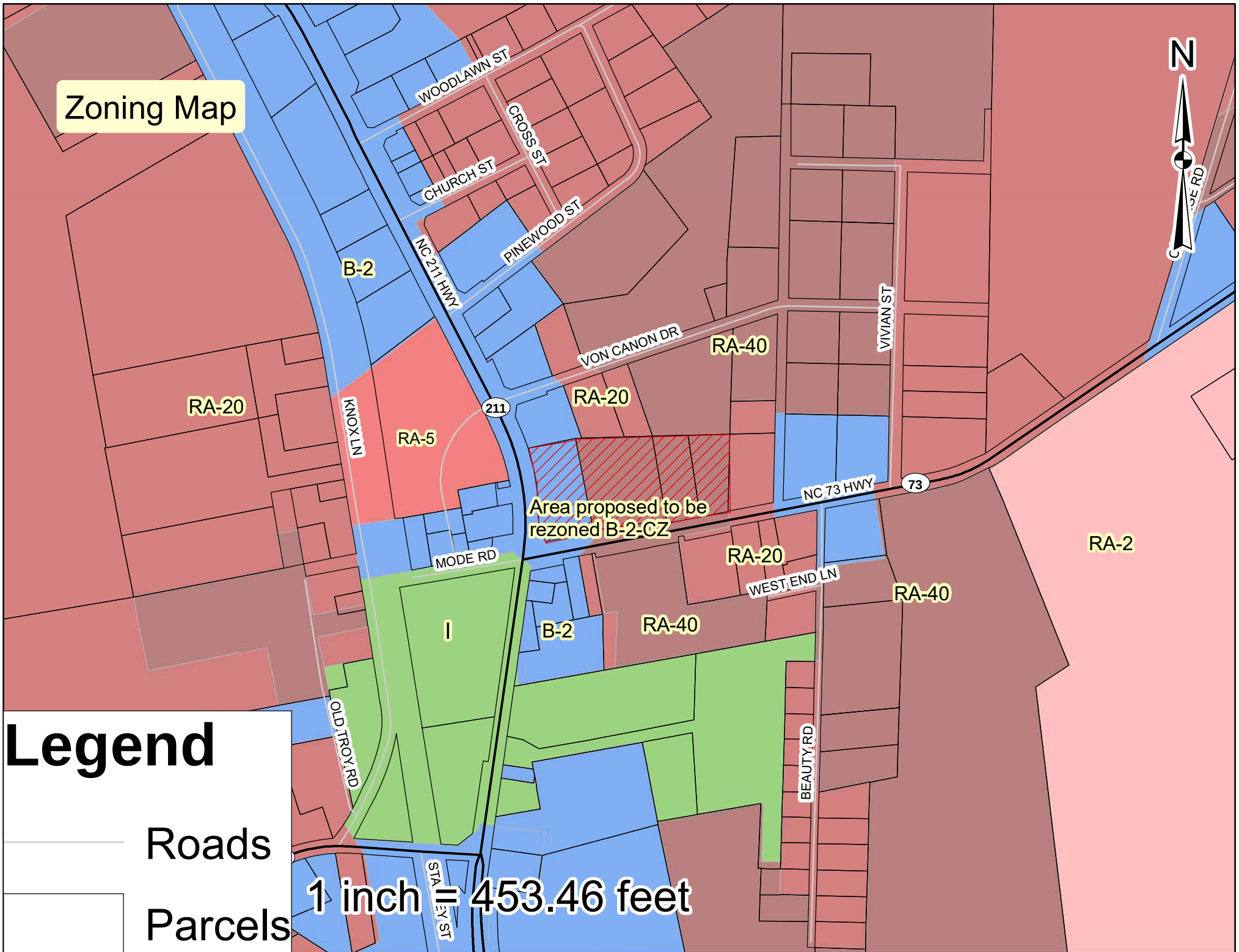


Legend

-  Roads
-  Parcels

1 inch = 295.57 feet

Zoning Map



Legend

Roads

Parcels

1 inch = 453.46 feet

Landmarks Map

N



Gretchen Pines

Seven Lakes West

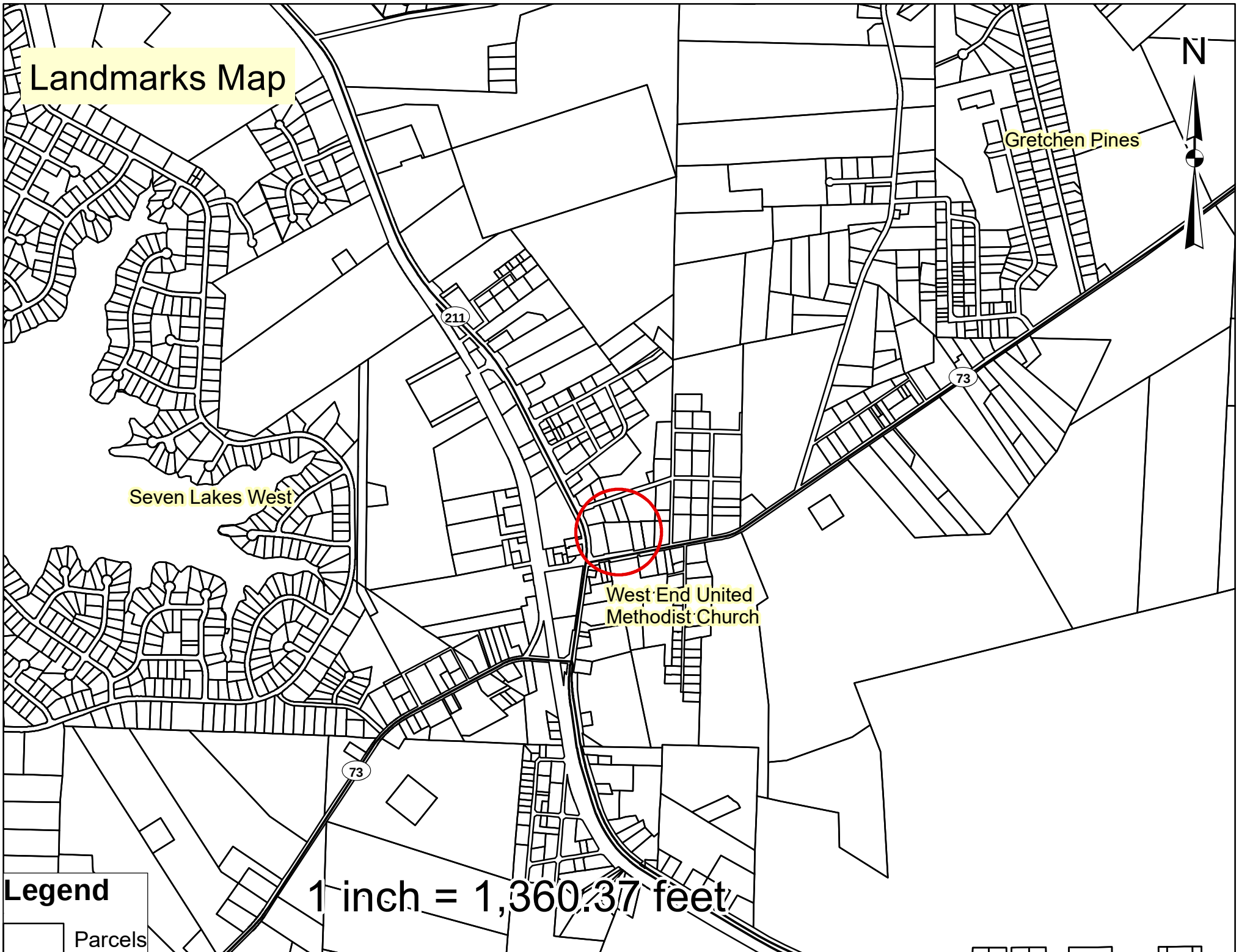


West End United
Methodist Church

Legend

Parcels

1 inch = 1,360.37 feet



I (We), the undersigned, certify that all statements furnished in this application are true to the best of my (our) knowledge, and do hereby agree to follow all reasonable requests or information as designated by the County of Moore Zoning Administrator.

Gavin Melia

Digitally signed by Gavin
Melia
DN: cn=Gavin Melia,
o=Baseline, ou,
email=gavin@baseline.de
velopment.com, c=US
Date: 2023.05.18 14:16:10
-04'00'

5.18.23

Applicant Signature

Multiple Owners - See Below

Applicant/Owner Signature

Date

Office Use Only:

PAR ID: 00020642, 00021818,

Selwa Ensminger

6/19/23

Received By

Date

Owner: Southern Golf and Land, LLC

Signature: Michael T. Phillips

Date: 5/18/2023

Owner: Williams, James D.

Signature: _____

Date: _____



Moore County

JUN 19 2023

Planning Department

County of Moore
Planning and Inspections

Inspections/Permitting: (910) 947-2221

Planning: (910) 947-5010

Fax: (910) 947-1303

Conditional Rezoning Application

Application Date: May 22, 2023			
Address of Property: 4020 NC HWY 73, West End, NC 27376			
Applicant: WEST END DEVELOPMENT GROUP, LLC			Phone: 910-695-3694
Applicant Address: 120 Market Square: Second Floor	City: Pinehurst	St: NC	Zip: 28374
Owner: Multiple Owners (See Below)			Phone:
Owner Address:	City:	St:	Zip:
Current Zoning District: Multiple Parcels (See Below)	Proposed Zoning District: B2 (Conditional Rezoning)		
Current Use(s): Vacant / Residential	Proposed Use(s): Commercial / Retail		
Proposed rules, regulations, condition(s) for the proposed district that address the impacts expected to be generated by the development or use of the site: Parcel ID: 00020642 (Zoning: B-2) Parcel ID: 00021818 (Zoning: RA-40) Owner: Southern Golf and Land, LLC 215 Surry Circle Dr., Pinehurst, NC 28374 Phone: 910-986-0401 Parcel ID: 20220140 (Zoning: RA-40) Parcel ID: 20220139 (Zoning: RA-40) Owner: Williams, James D 235 W. New Hampshire Ave., Pinehurst, NC 28387 Phone: 910-690-5040			
Statement of reasonableness of the proposed conditional zoning. The statement shall include, but not be limited to the following: 1. The conditional rezoning compatibility with the County Land Use Plan and other adopted plans of the County. 2. The conditional rezoning compatibility with the existing land uses on abutting and neighboring tracts. 3. The benefits and detriments of the conditional rezoning for the subject property, neighboring properties and the surrounding community.			
SEE ATTACHED FOR ADDITIONAL INFORMATION			

I (We), the undersigned, certify that all statements furnished in this application are true to the best of my (our) knowledge, and do hereby agree to follow all reasonable requests or information as designated by the County of Moore Zoning Administrator.

Applicant Signature _____ Date _____

Multiple Owners - See Below
Applicant/Owner Signature _____ Date _____

Office Use Only:

PAR ID: 20220140, 20220139

Selva Cummings 6/19/23
Received By _____ Date _____

Owner: Southern Golf and Land, LLC

Signature: _____ Date: _____

Owner: Williams, James D.

Signature: James D. Williams James D. Williams (May 18, 2023 15:51 EDT) Date: May 18, 2023

Signature:

Email: katelyn@baselinedevelopment.com

For Registration Register of Deeds
Judy D. Martin

Moore County, NC
Electronically Recorded

August 12, 2022 8:38:38 AM

Book: 5896 Page: 149 - 150 #Pages: 2

Fee: \$26.00 NC Rev Stamp: \$0.00

Instrument# 2022013908

GENERAL WARRANTY DEED

THIS INSTRUMENT PREPARED BY:

Michelle Stinnett, Esq.
Lorenz & Creed Law Firm, PLLC
230 N. Bennett Street
Southern Pines, NC 28387

TO BE RECORDED IN THE
DEED RECORDS OF
MOORE COUNTY, NC

Excise Tax: \$-0- NTC

THIS DEED made this 11 day of August, 2022, by and between:

<u>GRANTOR</u>	<u>GRANTEE</u>
SOUTHERN GOLF AND LAND, L.L.C., a North Carolina Limited Liability Company 215 Surry Circle North Pinehurst, NC 28374	SOUTHERN GOLF AND LAND, L.L.C., a North Carolina Limited Liability Company 215 Surry Circle North Pinehurst, NC 28374 Mineral Springs

WITNESSETH:

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, the Grantor, for valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land (referred to in the singular, whether one or more) situated in McNeill Township, Moore County, North Carolina, and more particularly described as follows:

Being all of Tract I-R, as shown on that certain map entitled "Recombination of Southern Golf and Land, LLC Property, West End, NC, Mineral Springs Twp., Moore County, NC", dated April 28, 2021 made by Benny L. Brown, Professional Surveyor and recorded in the Office of the Register of Deeds of Moore County, North Carolina in Plat Cabinet 18, Slide 920.

submitted electronically by "Lorenz & Creed Law Firm PLLC"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Moore County Register of Deeds.

This property herein described does not include the primary residence of the Grantor.

And being the same property conveyed to Grantor in instruments recorded in Book 4965, Page 416 and Book 4908, Page 40, both in the Moore County, North Carolina, Register of Deeds. The attorney preparing this instrument has not searched the title to the real property hereby conveyed and makes no opinion relative to the status of the title to the real property hereby conveyed.

This conveyance is made subject to (i) the lien of the County of Moore for taxes and other assessments for the current year; (ii) utility easements of record; and (iii) unviolated restrictive covenants of record that do not materially affect the value of the property.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions noted herein.

IN WITNESS WHEREOF, the said Grantor has hereunto set their hand and seal the day and year first above written.

SOUTHERN GOLF AND LAND, L.L.C., a North Carolina Limited Liability Company

BY: Michael T. Phillips (SEAL)
Michael T. Phillips, Member-Manager

STATE OF NORTH CAROLINA
COUNTY OF MOORE

I certify that the following person(s) personally appeared before me this day and (X) I have personal knowledge of the identity of the principal(s); () I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a driver's license; () a credible witness has sworn to the identity of the principal(s); the principal(s) acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

Name of Principal(s): Michael T. Phillips, Member-Manager of Southern Golf and Land, L.L.C., a North Carolina Limited Liability Company.

Date: 8/11/2022

Rhonda O'Brien
Notary Public

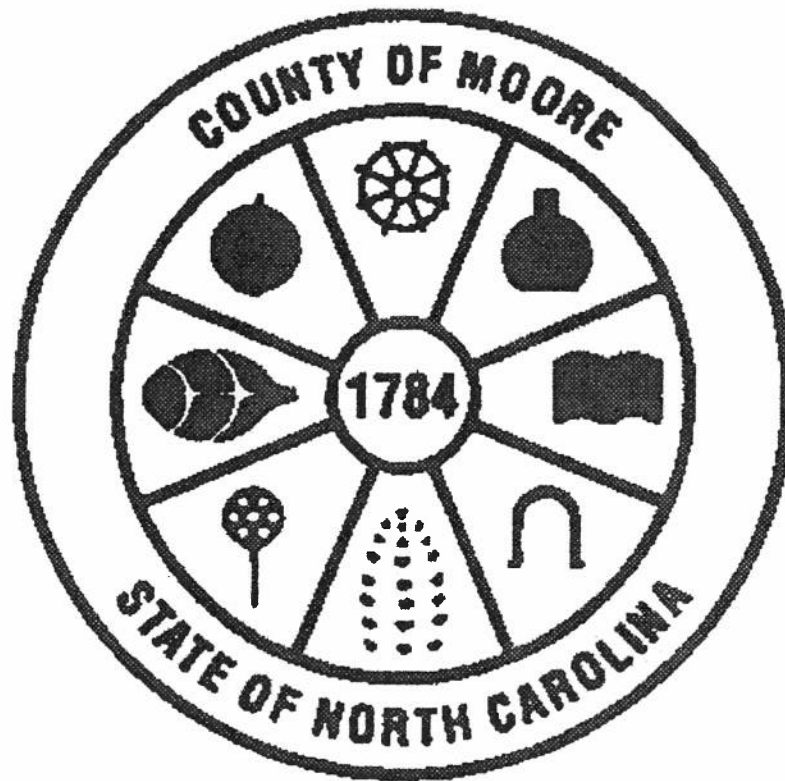
Rhonda O'Brien

Printed or typed name of Notary Public

My commission expires: 6/7/27

[SEAL]

Rhonda O'Brien
NOTARY PUBLIC
Stanly County
North Carolina
My Commission Expires June 7, 2027



Judy D. Martin

Register of Deeds

Moore County, North Carolina

MAP

FOR REGISTRATION REGISTER OF DEEDS
Judy D. Martin
Moore County, NC
May 03, 2021 03:48:46 PM
Book 18 Page 920-920
FEE: \$21.00
INSTRUMENT # 2021010374



INSTRUMENT # 2021010374

June 16, 2023

Metes and Bounds Description Combined Lots

A certain tract or parcel of land lying and being situate in West End, Mineral Springs Township, Moore County, North Carolina, on the north side of NC Highway 73 and the east side of NC Highway 211, and being more particularly described as follows:

Beginning at an existing NCDOT marker at the intersection of the northern margin of NC Highway 73 and the eastern margin of NC Highway 211, and running thence as the margin of Highway 211 the following three (3) calls:

N 29°05'29" W – 56.33' to an existing NCDOT marker;
As a curve to the left having a radius of 855.72', a length of 145.97, a chord bearing of N 02°19'15" W, and a chord distance of 145.79' to an existing concrete monument;
As a curve to the left having a radius of 855.72', a length of 180.35', a chord bearing of N 13°14'44" W, and a chord distance of 180.02' to an existing iron rod;

Thence N 78°25'22" E – 196.50' to an existing concrete monument;

Thence N 87°25'03" E – 607.48' to a point;

Thence S 00°26'31" E – 317.26' to a point on the northern margin of Highway 73;

Thence as the margin of the Highway 73 the following seven (7) calls:

S 78°10'39" W – 36.98' to an existing NCDOT marker;
N 11°11'41" W – 19.95' to an existing NCDOT marker;
S 79°02'10" W – 320.98' to an existing NCDOT marker;
S 81°36'57" W – 191.22' to a point;
S 81°38'08" W – 62.72' to an existing NCDOT marker;
S 10°44'17" E – 10.54' to an existing NCDOT marker;
S 79°16'14" W – 125.00' to the Beginning.

Said parcel as described containing 6.14 acres, more or less, and being all of Lot 1-R as shown in Plat Cabinet 18, Slide 920, Lot 1 as shown in Deed Book 5604, Page 221, and Lots 1 and 2 as shown in Deed Book 5809, Page 51, Moore County Register of Deeds.

Moore County, NC
Conditional Rezoning Application Packet
Tractor Supply Co., 4020 NC Hwy 73, West End, NC

June 19, 2023

Applicant: West End Development Group, LLC
120 Market Street, Second Floor
PO Box 3289
Pinehurst, NC 28374
Attn: Gavin Melia

Representative: Paramounte Engineering, Inc.
122 Cinema Drive
Wilmington, NC 28403
Attn: Mike Nichols

Proposed rules, regulations, condition(s) for the proposed district that address the impacts expected to be generated by the development or use of the site:

- The proposed site shall be limited to the improvements and required infrastructure illustrated or described on the Site-Specific Development Plan, dated 06/09/2023.
- The proposed use shall be conditioned to commercial retail use only, per Moore County zoning district B-2 rules and regulations. One of the parcels located at the intersection of two NC Highways (211 & 73) is currently zoned B-2. This location, makes this parcel very likely to develop to some allowable commercial use within the B-2 zone. Limiting the proposed use of the subject properties to one retail business as proposed by this Conditional Rezoning application would be generally less-impactful on the adjacent residential properties than other allowable uses in the B-2 zone, such as: Gas Station, Car Wash, Tattoo Parlor, Pawn Shop, Night Club, Bar or Convenient Store.

1. The conditional rezoning compatibility with the County Land Use Plan and other adopted plans of the County.

- The rezoning request is consistent with the following goals as listed in the County Land Use Plan:

Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around the municipalities).

- Recommendation 1.7: Support and promote local businesses.
- Action 1.8.5: Support and promote infill development that will optimize the use of existing infrastructure.

Goal 3: Optimize the Uses of Land Within the County of Moore.

- Goal 3.1: Maximize accessibility among living, working, and shopping areas.

- Recommendation 3.4: Encourage development in areas where the necessary infrastructure (roads, water, sewer, and schools) are available, planned or most cost-efficiently be provided and extended to serve development.

The proposed use complements the existing sense of place (Ambiance and Heritage) by offering goods and services that meet the needs of local residents and regional landowners, farmers, and agricultural-related businesses.

The proposed use supports place-based economic development in the region that is tied to the area's natural resources (farm and gardening supplies, outdoor recreation equipment and apparel, equine-oriented and other pet related products and services). The proposed use works to support Objective 2 for the County's "Small Area Plan A", by selling materials and supplies for the area's 800+ local farms and promoting Agri-Tourism in the community.

The proposed use leverages existing public infrastructure by accessing public water located adjacent to the property and is located along a developing commercial corridor with well-planned traffic improvements along Highway 211. The proposed use will also develop street frontage improvements and landscaping in coordination with the proposed NC DOT improvement and help provide a catalyst to future business development along the corridor.

2. The conditional rezoning compatibility with the existing land uses on abutting and neighboring tracts.

The proposed development site is located at the corner of two highways (NC Hwy 211 and NC Hwy 73) and is adjacent to other non-residential uses to the south, a vacant commercially zoned (B-2) property to the north and residential properties to the northeast, east and southeast of the property. The proposed conditional rezoning is compatible with the Moore County Future Land Use Map, dated June 18, 2013, which identifies the intersection of Highway 211 & 73 as a "Commercial / Office / Retail / Institutional" land use classification.

The subject property location is compatible with the adjacent B-2 property that also fronts Highway 211 and will be consistent with the anticipated commercial growth that will accompany the pending construction (widening) of Highway 211. The improvement to Highway 211 will facilitate and promote easy access to the proposed use and help to address traffic-related concerns in the immediate area.

The conditional rezoning will allow the property to develop in a manner that creates a transitional buffer between Highway 211 and the adjacent residential properties. The proposed development will provide landscaping buffers between the highway and the residential properties. The placement of the building nearest the northwest corner of the property and close to the intersection of Highway 211 and Highway 73 will provide spatial buffers for residential uses to the north and east of the development. The spatial buffers will remain undeveloped and contain the septic field and storm water basin.

The proposed use is a 1-story, smaller scale retail use, consisting of a 22,321 SF building, 4,420 SF garden center and 13,000 SF fenced outdoor display area, associated parking and other supporting infrastructure. The target market for the use is user-specific (e.g. agriculturally-related and outdoor lifestyle oriented) and typically generates less traffic and is less-intense than traditional general retail or convenience store uses of a similar size that sell a wide range of products and generating greater traffic volumes.

3. The benefits and detriments of the conditional rezoning for the subject property, neighboring properties, and the surrounding community.

Proposed use for the conditional rezoning will provide retail products that support the community's agricultural lifestyle and character. The building's smaller footprint and placement on the site, away from adjacent residential properties, will create a buffer and transition between the residential properties and Highway 211. The proposed use is a nationally recognized retail business, with operations determined by set hours and days of the week; unlike a potential other use that may be more disruptive to the surrounding community. For example, the Tractor Supply Co. store located in Vass, NC is open for business Monday through Saturday from 8am to 9am, and on Sunday from 9am to 7pm.

Given that the proposed NCDOT improvements to Highway NC 211 will contribute to commercial growth in this area, the proposed rezoning request is a good-fit for the surrounding community, reasonable and in the public interest considering that this property will eventually develop into a commercial use.

JUN 19 2023

Planning Department

**TRACTOR SUPPLY COMPANY'S INTENDED USE AND
TYPICAL OUTSIDE DISPLAY MERCHANDISE**

Intended Use: A typical Tractor Supply Company retail facility is primarily used for the sale of farm/ranch equipment and maintenance products; general maintenance products; animal (domestic and farm) feeds, equipment and health products; horse and rider tack, equipment and related products; bird feed, housing and related products; lawn and garden equipment and products; tools and hardware; vehicle equipment and maintenance products; all-terrain vehicles; utility vehicles; clothing and footwear; other items normally sold in TSC's stores; and any lawful use. The following lists are not intended to be all inclusive, but provide a general guideline. TSC may add and delete products and product lines as needed for the benefit of its business.

Items Typically Displayed in the Fenced Outside Display Area: The following items may not appear in all stores as merchandise mix varies by region and by season. All items identified in Permanent Trailer and Equipment Display Areas and Permanent Sidewalk Displays Areas may also be display in the Fenced Outside Display Area.

A. FENCING MATERIALS

Fencing and Posts, including but not limited to wooden fence posts, metal fence posts, feedlot panels, rolled wires fencing, and gates

B. PET AND LIVESTOCK EQUIPMENT

Round Pens	Corral Panels
Feeding Equipment	Horse Stalls and Mats
Livestock Handling Equipment	
Livestock Watering Tanks	

C. MISCELLANEOUS/SEASONAL

Drainage Tile
Water Pipe (Plastic)
Culverts
Liquid Storage Tanks
Hog Traps
Composters
Rain Barrels
Ladders
Railroad Ties

Items Typically Displayed in the Permanent Trailer and Equipment Display Areas: The following items may not appear in all stores as merchandise mix varies by region and by season.

A. TRAILERS

Open Trailers
Closed Trailers

B. 3-POINT EQUIPMENT

Plows	Fertilizer Spreaders	Seeder
Box/Grader Blades	Cultivators	Bale Carriers
Rakes	Harrows	Sprayers w/tanks
Scoops	Tillers	Rotary Cutters
Finish Mowers		

Items Typically Displayed in the Permanent Sidewalk Display Areas: The following items may not appear in all stores as merchandise mix varies by region and by season.

A. LAWN & GARDEN AND OPE EQUIPMENT

Push Lawn Mowers	Chippers and Shredders
Riding Lawn Mowers	Log Splitters
Garden Carts	Mow-n-Vacs
Snow Throwers	All-Terrain Vehicles/Utility Vehicles
Lawn Sweeps	Lawn Rollers
Utility Carts	Poly Carts
Tillers	

B. FENCING MATERIALS

Gates – small selection may show seasonally

C. PET AND LIVESTOCK EQUIPMENT

Dog Kennels
Dog Houses

D. 3-POINT EQUIPMENT

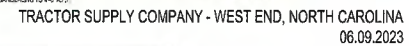
Plows	Fertilizer Spreaders	Seeder
Box/Grader Blades	Cultivators	Bale Carriers
Rakes	Harrows	Sprayers w/tanks
Scoops	Tillers	Rotary Cutters
Finish Mowers		

E. MISCELLANEOUS/SEASONAL

Go Karts	Fire Pits	
Grills	Fire Rings	
Bagged Pellet Fuel	Fire Wood Bundles	
Pedal Boats	Dirt Bikes	
Wheelbarrows	Bagged Pine Shavings	Bulk Propane
Bagged Feed	Bagged Fertilizer	Tool Rental
Furniture & Décor	Whiskey Barrels	Kayaks
Picnic Tables	Giant Chickens	Chicken Coops
Rabbit Coops	Windmills	
Ice Melts	Softeners Salts	Sand
Decorative Stone	Planters	Garden Carts
Tomato Cages	Shavings	Deer Feeders
Hunting Blinds	Sprayers	Reddy Ice Machines – Select Stores
Outdoor Bagged Goods – Mulch & Soils		

foLive Goods:

1. Hanging Baskets
2. Vegetables
3. Trees
4. Bushes
5. Pumpkins
6. Mums
7. Christmas Trees



- iv. Changes to an existing lot or building that do not impact the size or footprint of the existing building, increase the amount of impervious surface cover, require additional off-street parking spaces, or necessitate changes to landscaping.
- 2. Development exempted from site plan review shall still be required to obtain a zoning permit in accordance with Section 4.1, Zoning Permits.

C. PRE-APPLICATION CONFERENCE REQUIRED

To minimize development planning costs, avoid misunderstandings or interpretations, and ensure compliance with the requirements of this Ordinance, a pre-application conference between the developer and the Planning Staff is required for all non-residential projects, as determined applicable by the Administrator. The developer may, but is not required to, submit a sketch plan for consideration during the pre-application conference.

D. APPLICATION REQUIREMENTS

- 1. Each application for a site plan, drawn to scale, including the following information, as determined applicable or relevant by the Administrator:
 - i. Dimension of property (front, side, and rear property lines);
 - ii. Dimensions and locations of any existing or proposed buildings and signs;
 - iii. Existing and proposed uses of building(s) and/or land;
 - iv. Non-residential, multi-family, and mixed -use floor plans;
 - v. Existing and proposed street rights-of-way or easements;
 - vi. Current and proposed setbacks from property lines, easements, and rights-of-way;
 - vii. Dimensions and locations of driveway, parking lots, and parking spaces;
 - viii. Dimensions and location of loading and unloading areas;
 - ix. Existing and proposed utilities;
 - x. Screening and landscaping plan;
 - xi. Significant natural features including floodplain, wetlands, lakes, streams, etc.;
 - xii. Existing and proposed impervious surface percentages;
 - xiii. Location of any stormwater control devices, any stormwater control plans, and the name of the certifying engineer. The applicant is responsible for the accuracy of the stormwater controls shown on the site plan.
 - xiv. Phasing plans
 - xv. Any other information which the Administrator deems necessary as required per local, state, or federal law.
- 2. The applicant is responsible for the accuracy of significant features shown on the site plan. The Administrator may require Army Corp of Engineer approval before a zoning permit is issued.

E. ACTION BY THE ADMINISTRATOR

- 1. If the proposed site plan is in conformity with the provisions of this UDO, and if all other required permits have been approved by the Moore County Department of Environmental Health or other appropriate agencies, the Administrator shall approve the site plan.
- 2. All decisions by the Administrator shall be in writing.

F. DENIAL

If the proposed application is not in conformity with the provisions of this Ordinance, the Administrator shall not approve the site plan and shall provide, in writing, the cause of such disapproval to the applicant. If a violation of this Ordinance on the site that is the subject of a site plan application remains uncorrected, the Administrator may deny or withhold approval of the site plan.

date 6/19/23

project Conditional Rezoning Application Commercial/Retail

page 1

Applicant: West End Development Group, LLC, Property

Baseline Development Companies, LLC
120 Market Square; Second Floor
Pinehurst, NC 28374

PAR ID's : 00020642 ; 00021818, 20220140 & 20220139

Owner: Southern Golf and Land, LLC
Michael T. Phillips

Digitally signed By: Gavin Melia gavin@baselinedevelopment.com

Applicant: West End Development Group LLC
120 Market Square; Second Floor
Pinehurst, NC 28374

Owner: James D. Williams katelyn@baselinedevelopment.com

Zoning Classification:

PAR ID : 20642 - B2
21818 - RA40
20220140 - RA-40
20220139 - RA-40

Adjoining property owners: $14 \times \$7.50 \times 2 = \210.00 ($\$600.00 + \210.00)
+ Application Fee: \$600.00
+ Certified Mailing: $14 \times \$7.50 \times 2 = \210.00

task list:

Located: Urban Transition Highway Corridor Overlay District

Commercial/Retail: Permitted

date 6/19/23

project Conditional Rezoning Application: Commercial/Retail B-2

page 2

SETBACKS:

Front = HROW = 75' ✓

Internal Lots = Access to an internal ~~lot~~ street ROW = 40'

Other non-residential = 25' ✓

Parking: 74 provided 72 required (6+20+11+11+13+10+3)
Parking area near driveway
NE Hwy 73)

Driveways: MAX Width = 36' ✓
MAX # = 2 ✓

Landscaping: Notes on site plan

task list:

(<https://www.moorecountync.gov/gis>)



Results List

Options ▼

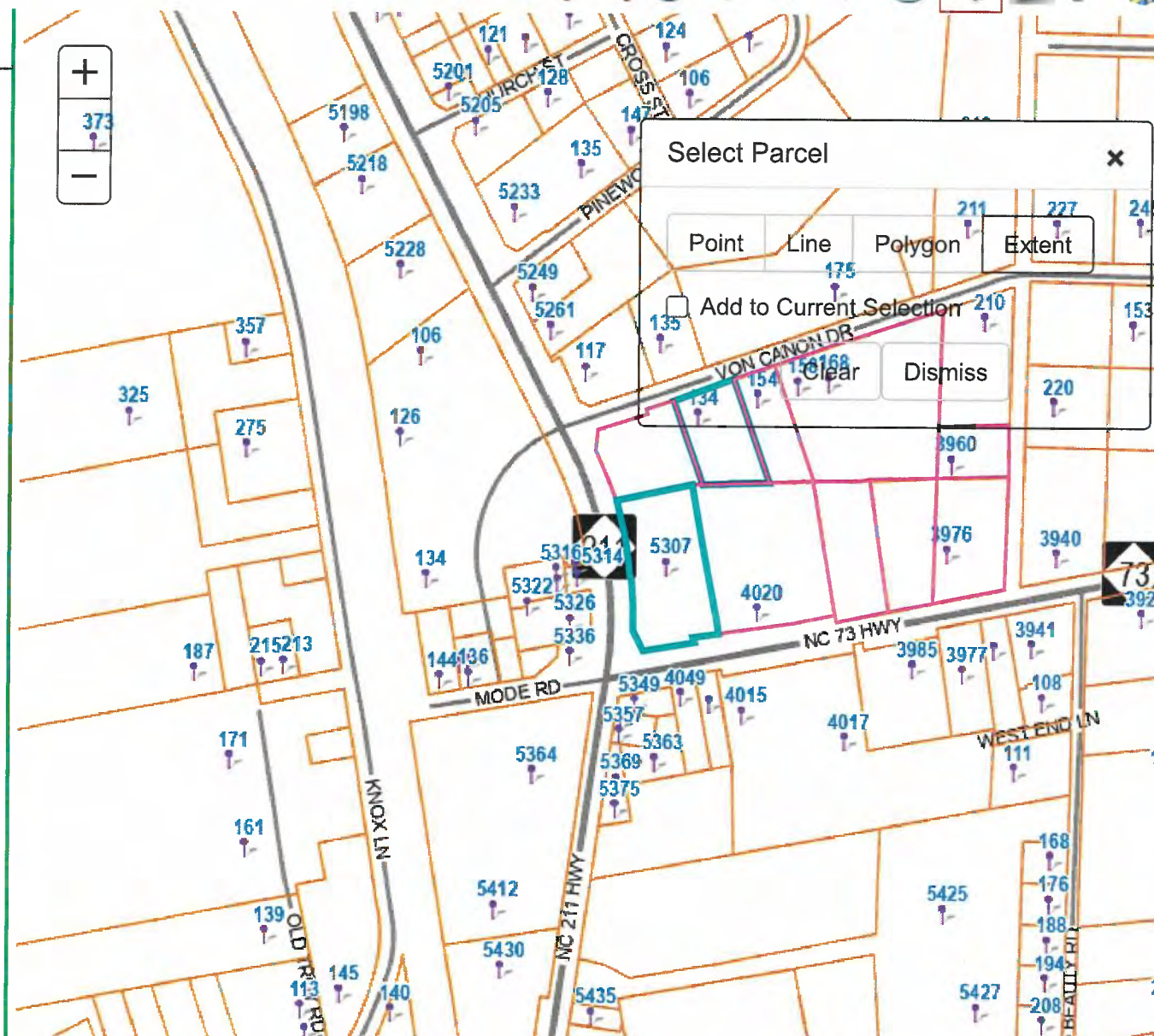
Clear

Zoom To

10 records found

Maximum number records is 2500

ParcelID	Owner	PIN
00015219 ✓	VON CANON, JOHN KENNETH & LORI D	853413039324
00016234 ✓	CARRAS, CHRISTINA CARRAS, CONSTANTINE & OTHER	853413135331
00016357 ✓	TRASK, GINA IRENE TRASK, RYAN HUBERT	853413135130
00017331 ✓	DICK, ROBERT M & DICK, LINDA C	853413130348
00020642	SOUTHERN GOLF AND LAND, LLC	853400037092
00021818	SOUTHERN GOLF AND LAND, LLC	853400130026
00029730 ✓	VON CANON, SUZANNE TRUSTEE	853413132493
00029731 ✓	VONCANON, EDNA M	853400037340
20220139	WILLIAMS, JAMES D	853400133170
20220140	WILLIAMS, JAMES D	853400132047



✓ - Adjoining property owners

(<https://www.moorecountync.gov/gis/>)



Search Results Layers

Results List

Options ▾

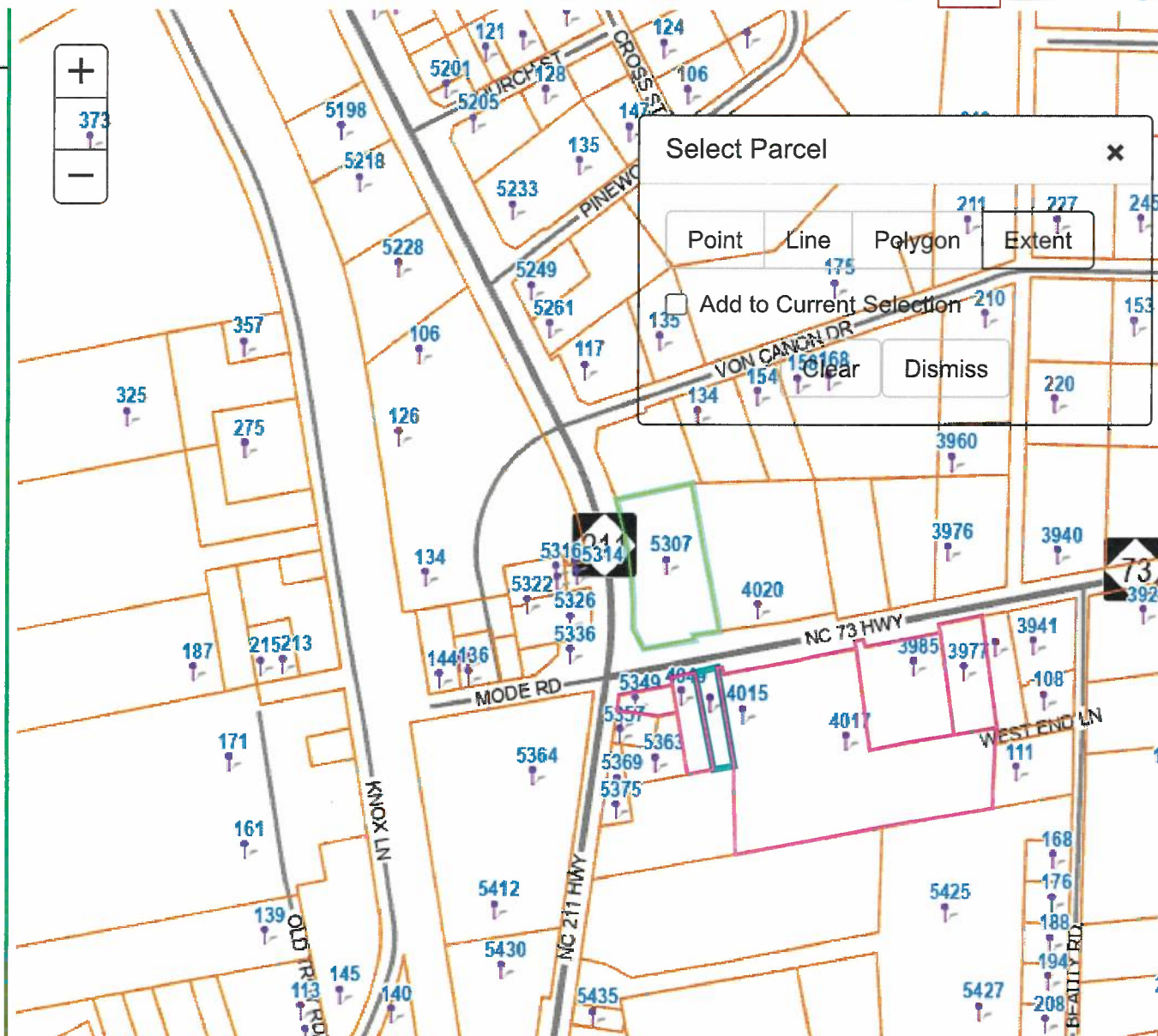
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Zoom To

6 records found

Maximum number records is 2500

ParcelID	Owner	PIN
✓ 00020365	DOWD-WICKER, HARRIET	853400029606
✓ 00022929	MCNEILL OIL CO	853400027740
✓ 00025851	MINGIN, WILLIAM MINGIN, DIANNE	853413125727
✓ 00028982	OLSZANSKI, SAMUEL WILLIAM III& GAYLE JEAN	853400123762
✓ 00029550	WICKER, JERRY WICKER, HARRIET	853413028655
✓ 00030057	WEST END UNITED METHODIST CHURCH	853400120587



✓ Adjoining property owners

County Home Page (<https://www.moorecountync.gov/>) | GIS Home (<https://www.moorecountync.gov/gis/>) | Mobile (<https://www.moorecountync.gov/gis/>) | Help (<https://www.moorecountync.gov/in>

(<https://www.moorecountync.gov/gis/>)



Search Results Layers

Results List

Options ▾

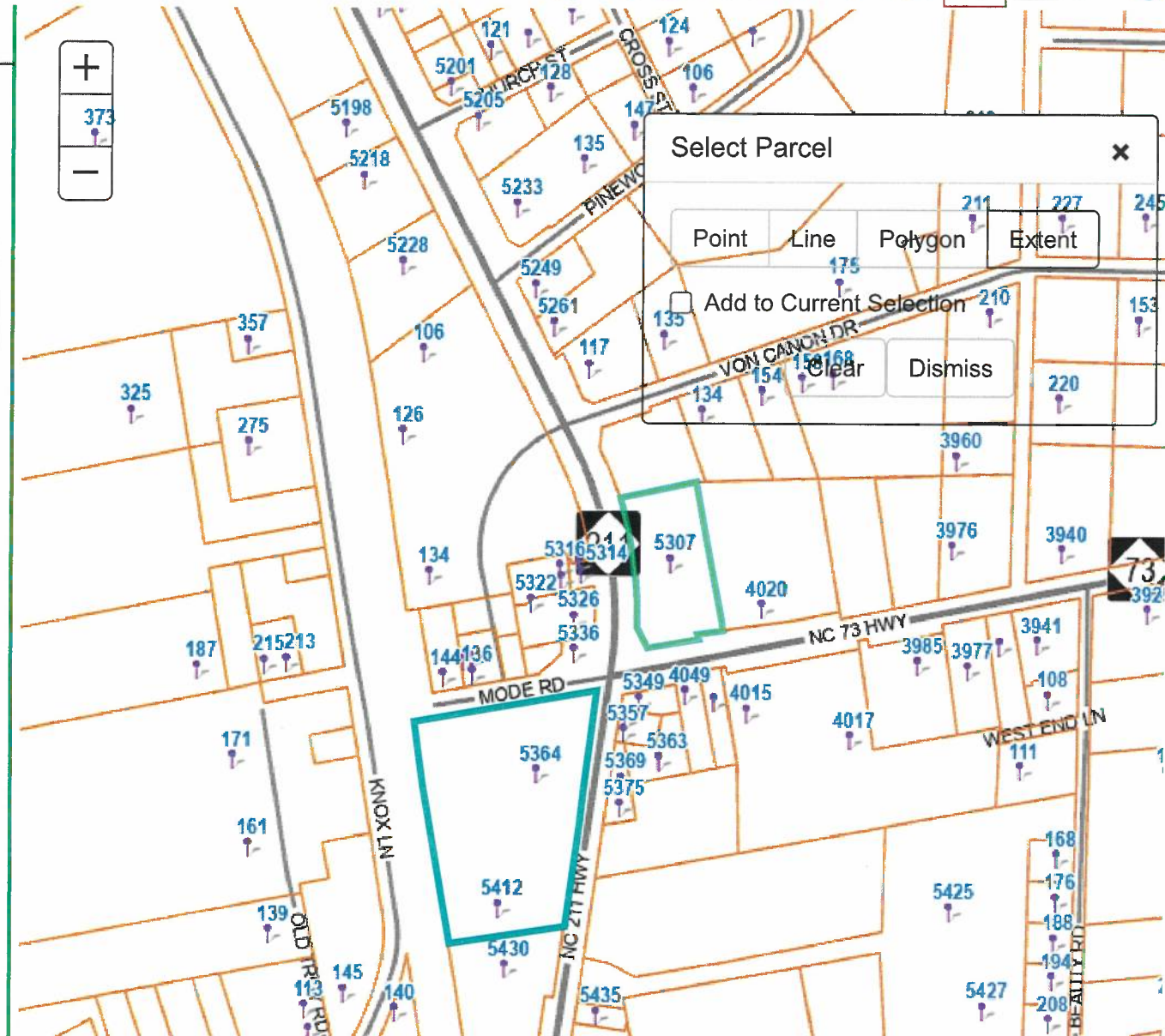
Clear

Zoom To

1 records found

Maximum number records is 2500

ParcelID	Owner	PIN
20140157	5364 HIGHWAY 211, LLC	853400023493



✓ Adjoining property owners

County Home Page (<https://www.moorecountync.gov/>) | GIS Home (<https://www.moorecountync.gov/gis>) | Mobile (<https://www.moorecountync.gov/gis>) | Help (<https://www.moorecountync.gov/in>

(<https://www.moorecountync.gov/gis>)



Search Results Layers

Results List

Options ▾

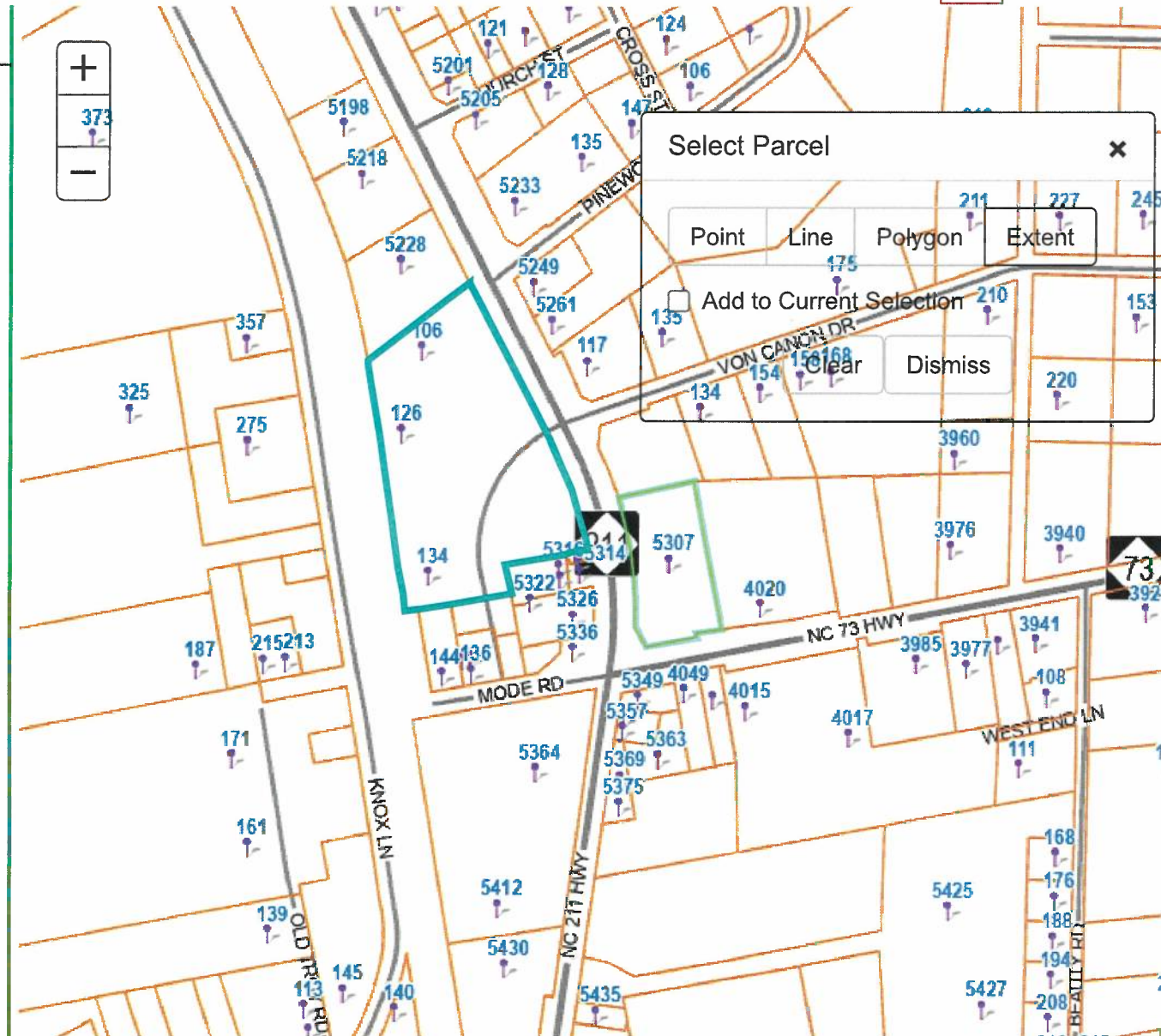
Clear

Zoom To

1 records found

Maximum number records is 2500

ParcelID	Owner	PIN
00030051	COUNTY OF MOORE	853413033238



For Registration Register of Deeds

Judy D. Martin

Moore County, NC

Electronically Recorded

August 12, 2022 8:38:38 AM

Book: 5896 Page: 149 - 150 #Pages: 2

Fee: \$26.00 NC Rev Stamp: \$0.00

Instrument# 2022013908

GENERAL WARRANTY DEED**THIS INSTRUMENT PREPARED BY:**

Michelle Stinnett, Esq.
 Lorenz & Creed Law Firm, PLLC
 230 N. Bennett Street
 Southern Pines, NC 28387

TO BE RECORDED IN THE
 DEED RECORDS OF
 MOORE COUNTY, NC

Excise Tax: \$-0- NTCTHIS DEED made this 11 day of August, 2022, by and between:

<u>GRANTOR</u>	<u>GRANTEE</u>
SOUTHERN GOLF AND LAND, L.L.C., a North Carolina Limited Liability Company 215 Surry Circle North Pinehurst, NC 28374	SOUTHERN GOLF AND LAND, L.L.C., a North Carolina Limited Liability Company 215 Surry Circle North Pinehurst, NC 28374 Mineral Springs

WITNESSETH:

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, the Grantor, for valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land (referred to in the singular, whether one or more) situated in McNeill Township, Moore County, North Carolina, and more particularly described as follows:

Being all of Tract 1-R, as shown on that certain map entitled "Recombination of Southern Golf and Land, LLC Property, West End, NC, Mineral Springs Twp., Moore County, NC", dated April 28, 2021 made by Benny L. Brown, Professional Surveyor and recorded in the Office of the Register of Deeds of Moore County, North Carolina in Plat Cabinet 18, Slide 920.

submitted electronically by "Lorenz & Creed Law Firm PLLC"
 in compliance with North Carolina statutes governing recordable documents
 and the terms of the submitter agreement with the Moore County Register of Deeds.

This property herein described does not include the primary residence of the Grantor.

And being the same property conveyed to Grantor in instruments recorded in Book 4965, Page 416 and Book 4908, Page 40, both in the Moore County, North Carolina, Register of Deeds. The attorney preparing this instrument has not searched the title to the real property hereby conveyed and makes no opinion relative to the status of the title to the real property hereby conveyed.

This conveyance is made subject to (i) the lien of the County of Moore for taxes and other assessments for the current year; (ii) utility easements of record; and (iii) unviolated restrictive covenants of record that do not materially affect the value of the property.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions noted herein.

IN WITNESS WHEREOF, the said Grantor has hereunto set their hand and seal the day and year first above written.

SOUTHERN GOLF AND LAND, L.L.C., a North Carolina Limited Liability Company

BY: Michael T. Phillips (SEAL)
Michael T. Phillips, Member-Manager

STATE OF NORTH CAROLINA
COUNTY OF MOORE

I certify that the following person(s) personally appeared before me this day and ☒ I have personal knowledge of the identity of the principal(s); ☐ I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a driver's license; ☐ a credible witness has sworn to the identity of the principal(s); the principal(s) acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

Name of Principal(s): Michael T. Phillips, Member-Manager of Southern Golf and Land, L.L.C., a North Carolina Limited Liability Company.

Date: 8/11/2022

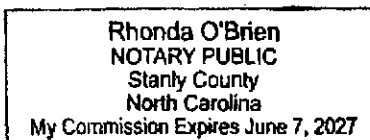
Rhonda O'Brien
Notary Public

Rhonda O'Brien

Printed or typed name of Notary Public

My commission expires: 6/7/27

[SEAL]



For Registration Register of Deeds
Judy D. Martin

Moore County, NC

Electronically Recorded

April 30, 2021 9:36:21 AM

Book: 5604 Page: 221 - 224 #Pages: 4

Fee: \$26.00 NC Rev Stamp: \$245.00

Instrument# 2021010133

SPECIAL WARRANTY DEED

THIS INSTRUMENT PREPARED BY:

John Hall Greenbacker, Esq.
Lorenz & Creed Law Firm, PLLC
230 N. Bennett Street
Southern Pines, NC 28387

TO BE RECORDED IN THE
DEED RECORDS OF
MOORE COUNTY, NC

Excise Tax: \$ 245.00

THIS DEED made this 28th day of April, 2021, by and between:

<u>GRANTOR</u>	<u>GRANTEE</u>
TRUIST BANK F/K/A BRANCH BANKING AND TRUST COMPANY, AS TRUSTEE OF THE MARY R. LEWIS REVOCABLE TRUST U/A/D SEPTEMBER 13, 1979	SOUTHERN GOLF & LAND, LLC, a North Carolina Limited Liability Company Tax address: 215 Surry Circle Drive North Pinchurst, NC 28374

WITNESSETH:

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, the Grantor, for valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land (referred to in the singular, whether one or more) situated in Moore County, North Carolina, and more particularly described as follows:

See Exhibit "A" attached hereto and incorporated herein by reference for a description of the real property hereby conveyed. The real property described as Exhibit "A" attached hereto is hereby incorporated herein by reference to the same extent as if set forth herein in its entirety.

submitted electronically by "Lorenz & Creed Law Firm PLLC"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Moore County Register of Deeds.

This property herein described does not include the primary residence of the Grantor.

And being the same property conveyed to Grantor in instrument recorded in Book 92, Page 649, in the Moore County, North Carolina, Register of Deeds. The attorney preparing this instrument has not searched the title to the real property hereby conveyed and makes no opinion relative to the status of the title to the real property hereby conveyed.

This conveyance is made subject to (i) the lien of the County of Moore for taxes and other assessments for the current year, which taxes or other assessments shall be pro-rated as of the date of closing and which Grantee by acceptance of this deed expressly agrees to pay; (ii) utility easements of record; and (iii) unviolated restrictive covenants of record that do not materially affect the value of the property.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, other than the exceptions hereinabove set forth.

(remainder of page intentionally left blank)

(signature and notary acknowledgement to follow)

IN WITNESS WHEREOF, the said Grantor has hereunto set their hand and seal the day and year first above written.

Michael Scott Balkcum (SEAL)
 MICHAEL SCOTT BALKCUM, VICE PRESIDENT, WEALTH DIVISION OF BRANCH
 BANKING AND TRUST COMPANY N/K/A TRUIST BANK, AS TRUSTEE OF THE MARY R.
 LEWIS REVOCABLE TRUST U/A/D SEPTEMBER 13, 1979

STATE OF NC
 COUNTY OF Wake

I certify that the following person(s) personally appeared before me this day and ☒ I have personal knowledge of the identity of the principal(s); ☐ I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a driver's license; ☐ a credible witness has sworn to the identity of the principal(s); the principal(s) acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

Name of Principal(s): Michael Scott Balkcum, Vice President, Wealth Division of Branch Banking and Trust Company n/k/a Truist Bank, as Trustee of the Mary R. Lewis Revocable Trust U/A/D September 13, 1979.

Date: 4/28/2021

ENEIDA MONTANEZ

Notary Public

Wake Co., North Carolina

[SEAL] My Commission Expires Mar. 12, 2024

Eneida Montanez
 Notary Public

Eneida Montanez
 Printed or typed name of Notary Public

My commission expires: MAR. 12, 2024

NOTARY PUBLIC: Please place an (X) in the space that describes the method of identifying the principal and (--) in the spaces that do not apply.

EXHIBIT "A"

BEGINNING at a stake Mimms' northeast corner of a 2 acre tract of land and runs thence with a line of the Springs land East 11 chains and 91 links to a stake in the Denton land; thence as that line South 4 West 4 chains and 85 links to a stake, Von Canons' corner; thence with his line South 81 West 10 chains and 61 links to a stake; thence North 9 West 6 chains and 60 links to the Beginning, containing 5.9 acres more or less. And being the same land as described in Deed dated December 16, 1911, from D.A. McDonald and wife, Ida A. McDonald, to Charles Ritter, recorded in the Public Registry for Moore County in Book of Deeds 49, at Page 445.

Excepting, However, from the above description a small tract of land deeded to Duncan C. Ritter by Charles Ritter in Deed Book 92, Page 371 and now owned by Glennie McInnis Parrott.

For Registration Register of Deeds

Judy D. Martin

Moore County, NC

Electronically Recorded

March 8, 2022 12:49:57 PM

Book: 5809 Page: 51 - 53 #Pages: 3

Fee: \$26.00 NC Rev Stamp: \$80.00

Instrument# 2022004074

Brief description for the Index:

Stamps: \$80.00

Lots 1 & 2, C. W. Ritter Tract – Parcel Id. Portion of 00021818This instrument was prepared by: **Sandhills Law Group** *NO TITLE SEARCH COMPLETED BY PREPARER***NORTH CAROLINA GENERAL WARRANTY DEED**THIS DEED made this 7 day of March 2022, by and between,

GRANTOR	GRANTEE
Southern Golf and Land, LLC	James D. Williams
<u>Mailing Address:</u> 215 Surry Circle North Pinehurst, NC 28374	<u>Mailing Address:</u> 235 W. New Hampshire Ave Southern Pines, NC 28387 <u>Property Address:</u> TBD Hwy 73 West End, NC, 27376

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, have bargained and sold, and by these presents do grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot, tract, or parcel of land situated in **Mineral Springs Township, Moore County, North Carolina**, and more particularly described as follows:

Being all of Lots 1 and 2, C.W. Ritter Tract, as shown on a plat thereof recorded in the Office of the Register of Deeds of Moore County, North Carolina in Plat Cabinet 19, Slide 278.

TBD Hwy 73, West End, NC, 27376

Property Identification Number -- Portion of 00021818

submitted electronically by "Sandhills Law Group"
 in compliance with North Carolina statutes governing recordable documents
 and the terms of the submitter agreement with the Moore County Register of Deeds.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 5604, Page 221, Moore County Registry.

All or a portion of the property herein conveyed _____ includes or X does not include the primary residence of a Grantor.

TO HAVE AND TO HOLD the aforesaid lot, tract, or parcel of land, and all privileges and appurtenances thereto belonging to the said Grantee in fee simple; subject, however, to the exceptions, reservations and conditions herein above referred to.

And the Grantor covenants with the Grantee, that Grantor is seized of said premises in fee simple and has the right to convey in fee simple; that the title is marketable and free and clear of all encumbrances; and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except: ad valorem taxes for the current year (prorated to the date of closing); utility easements; unviolated covenants, conditions and restrictions that do not materially affect the value of the property being conveyed herein; and such other encumbrances as may be assumed or specifically approved by Grantee as referenced herein.

The designation Grantor or Grantee as used herein shall include the singular as well as the plural and the masculine, feminine or neuter gender may be read in either the masculine, feminine or neuter gender or a combination thereof as the context may require in order to accurately refer to the person or persons first named hereinabove as Grantor and Grantee.

***** THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK *****

IN WITNESS WHEREOF, the said Grantor has hereunto set his hand and seal, or if Corporate, has caused this instrument to be signed in its Corporate name in the ordinary course of business by its duly authorized officer, pursuant to authorization from the Board of Directors, or if Limited Liability Company (Company), in its Company name in the ordinary course of business by its duly authorized manager, pursuant to authorization from its members, the day and year first above written.

Southern Golf and Land, LLC

Michael T. Phillips (SEAL)
By: Michael T. Phillips, Manager

STATE OF North Carolina,

COUNTY OF Moore, to wit:

I certify that the following person(s) personally appeared before me this day, and each acknowledging to me that he or she signed the foregoing document in the capacity indicated:

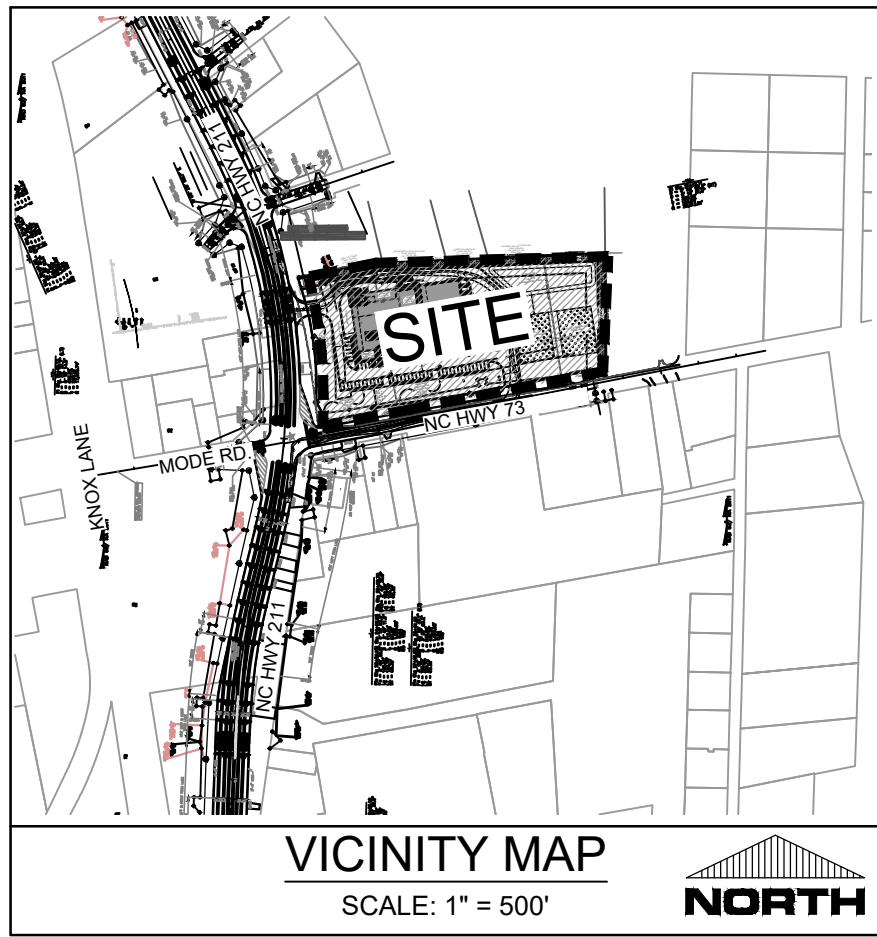
Michael T. Phillips, Manager of Southern Golf and Land, LLC.

Witness my hand and notarial seal this 7th day of March 2022.

PLACE NOTARY SEAL INSIDE THIS BOX ONLY!

CLARK H. CAMPBELL
Notary Public
North Carolina
Moore County

Clark H. Campbell
Notary Public
Clark H. Campbell
(Printed Name of Notary)
My Commission Expires: 8/27/2022



SITE DATA
SITE ADDRESS: 4020 NC HWY 73
MOORE COUNTY, NC

PIN	PARCEL AREA	CURRENT ZONING	PROPERTY OWNER
00020642	1.59 ACRES	B-2	SOUTHERN GOLF AND LAND, LLC
00021818	2.3 ACRES	RA-40	SOUTHERN GOLF AND LAND, LLC
20220140	1.01 ACRES	RA-40	WILLIAMS, JAMES D.
20220139	0.96 ACRES	RA-40	WILLIAMS, JAMES D.

TOTAL SITE AREA: 5.86 ACRES
(NOTE: AREA CALCULATIONS BASED ON GIS DATA
AND NOT CONSIDERED SURVEY ACCURATE)

OVERLAY: HIGHWAY OVERLAY DISTRICT, URBAN TRANSITION NC-211
WATERSHED OVERLAY DISTRICT (WS-IIIP, BASIN: CAPE FEAR, STREAM: NICK'S CREEK)

PROPOSED ZONING: CONDITIONAL ZONING (B2-CZ)
DIMENSION REQUIREMENTS:

BUILDING
HIGHWAY SETBACK: 75' FROM HWY ROW
OTHER SETBACKS: 50' FROM RESIDENTIAL DISTRICT
25' FROM NON-RESIDENTIAL DISTRICT

PARKING
SETBACK FROM HWY ROW: 50'

MAXIMUM HEIGHT: 35'
MAX. BUILDING SF: 40,000 SF
*PROPERTY REQUIRES A CONDITIONAL REZONING

PROPOSED BUILDING SF & REQUIRED PARKING
RETAIL (SECTION 8.91-D.)

REQUIREMENT: MINIMUM OF 1 SPACE PER 300 SF GROSS FLOOR AREA, MINUS
STORAGE AREAS

PROPOSED BUILDING:	22,321 SF
DEDUCT STORAGE AREAS:	-5,224 SF
	17,097 SF
	17,097 / 300 = 57 SPACES

GARDEN CENTER (SECTION 8.50)

REQUIREMENT: MINIMUM OF (1) OFF-STREET PARKING SPACE FOR EACH
EMPLOYEE. NUMBER OF EMPLOYEES: 15

TOTAL PARKING SPACES REQUIRED: 57 + 15 = 72
TOTAL PARKING SPACES PROVIDED: 74

REQUIRED HANDICAP PARKING : 4 SPACES
HANDICAP PARKING PROVIDED: 4 SPACES

PROPOSED USE FOR CONDITIONAL REZONING (B2-CZ)

SECTION 3.13 ZONING DISTRICT B-2 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 CONFIGURED
TO MINIMIZE CONFLICTS WITH SURROUNDING RESIDENTIAL AREAS.

THE PROPOSED USE IS FOR A RESIDENT-SERVING RETAIL ESTABLISHMENT,
LOCATED WITHIN THE GROWING COMMERCIAL CORRIDOR ALONG HIGHWAY
211. THE USE WILL SPECIALIZE IN THE SALE OF PRODUCTS FOR HOME
IMPROVEMENT, AGRICULTURE, LAWN AND GARDEN MAINTENANCE,
LIVESTOCK, EQUINE AND PET CARE (VETERINARY SERVICES AND GROOMING),
AND OTHER OUTDOOR LIFESTYLE PRODUCTS (CLOTHING, APPAREL, ETC.)

THE RETAIL STORE WILL DISPLAY MERCHANDISE ON CERTAIN AREAS OUTSIDE
OF THE BUILDING AS FOLLOWS, (SEE THE PROPOSED CONDITIONAL SITE PLAN
FOR REFERENCE).

- THE OUTDOOR DISPLAY OF MERCHANDISE SHALL BE ORGANIZED AND
LOCATED WITHIN DESIGNATED AREAS IN THE PERMANENT SIDEWALK
DISPLAY AREA ON THE SIDEWALK DIRECTLY IMMEDIATELY ABUTTING THE
FRONT OR ON THE SIDE OF THE BUILDING AND WILL INCLUDE FOR-SALE
MERCHANDISE, SEASONAL OR OTHERWISE.
- THERE WILL BE OUTDOOR DISPLAY OF MERCHANDISE LOCATED INSIDE
THE FENCED OUTDOOR DISPLAY AREA.
- THE OUTDOOR DISPLAY OF MERCHANDISE IS PROPOSED IN THE
PERMANENT TRAILER & EQUIPMENT DISPLAY AREA LOCATED ON THE SIDE
OF THE BUILDING.
- ITEMS FOR SALE IN OUTDOOR AREAS MAY INCLUDE: BULK PROPANE FROM
A 1,000-GALLON TANK, WELDING GAS, LIVE PLANTS, SHRUBS, FLOWERS,
TREES AND GARDEN PRODUCTS, TRAILERS, PEDAL BOATS AND
MOTORIZED VEHICLES, INCLUDING MINI-BIKES, DIRT BIKES, GO-KARTS,
SCOOTERS, TRACTORS, UTILITY VEHICLES (A.K.A. UTV'S) AND ALL-TERRAIN
VEHICLES (A.K.A. ATV'S), HAY AND FORAGE.
- NO OUTDOOR DISPLAY OF MERCHANDISE WILL BE LOCATED WITHIN, OR
OCCUPY ANY PARKING SPACE, DRIVE LANES, FIRE LANES, LOADING AREAS
OR OTHER AREAS ON THE SITE NOT DESIGNATED ON THE SITE PLAN FOR
SUCH DISPLAY.

THE PROPOSED USE PROVIDES FOR CUSTOMER PARKING IN THE FRONT OF
THE STORE, FACING HWY 73, AND ON THE SIDE(S) OF THE BUILDING. NO
PARKING IS LOCATED BEHIND THE STORE AND THE PARKING LOT AREAS
SHALL MEET THE REQUIREMENTS FOR SETBACK AND LANDSCAPING PER THE
ORDINANCE.

FENCING NOTES

- CHAIN LINK FENCING SHALL BE VINYL COATED AND
COLORED GREEN, BROWN OR BLACK.
- FENCING SHALL ONLY BE LOCATED IN THE SIDE OR REAR
YARD. NO FENCING IS PERMITTED IN THE FRONT OR
CORNER SIDE YARD. PROPOSED FENCE IS LOCATED
BEHIND THE FRONT WALL OF BUILDING. SETBACK T.B.D.

OUTDOOR DISPLAY OF MERCHANDISE

- THE PROPOSED PROJECT WILL UTILIZE OUTDOOR DISPLAY
AREAS FOR THE SALE OF MERCHANDISE (SEE PLAN FOR
LOCATIONS). ALL OUTDOOR DISPLAY OF GOODS SHALL BE
LOCATED IMMEDIATELY ABUTTING TO THE STOREFRONT OF
BUILDING SIDES, AND NOT IN DRIVE AISLES, LOADING
ZONES, FIRE LANES, OR PARKING LOTS (SEE SEC. 7.12)
- THE PROJECT DOES NOT PROPOSE OUTDOOR STORAGE.
ONLY OUTDOOR DISPLAY OF FOR-SALE MERCHANDISE. IF
OUTDOOR STORAGE OF MATERIALS (NOT-FOR-SALE)
OCCURS (TEMPORARY OR PERMANENT), IT SHALL ONLY BE
ALLOWED IN SIDE OR REAR YARDS AND BE OUTSIDE ANY
BUILDING SETBACKS (SEE SEC. 7.13).

PROJECT APPLICANT

WEST END DEVELOPMENT GROUP, LLC
120 MARKET SQUARE, SECOND FLOOR
PINEHURST, NC 28374

SCREENING ALONG HIGHWAY RIGHTS-OF-WAY

- 50' WIDE LANDSCAPING BUFFER SHALL BE PROVIDED AT THE
RIGHT-OF-WAY AT HIGHWAYS AND INCLUDE:
18 TREES (50% EVERGREEN) PLANTED PER 100 LF
25 SHRUBS PLANTED PER 100 LF

VEHICULAR USE AREA SCREENING

- TWO (2) TREES PLANTED PER 10 PARKING SPACES.
- FOUR (4) EVERGREEN SHRUBS PER 10 PARKING SPACES.

TYPE III BUFFER SCREENING

- 20' WIDE, SINGLE ROW OF EVERGREEN SHRUBS TO A
HEIGHT OF 10' WITH 5 YEARS OF PLANTING. LIMBS HIGHER
THAN 24" FROM GROUND LEVEL SHALL NOT BE TRIMMED.

WATERSHED OVERLAY - BUILT UPON AREA

24% BUILT-UPON AREA, UP TO 70% WITH SPECIAL
NON-RESIDENTIAL INTENSITY ALLOCATION
(SNIA) APPROVAL REQUIRED

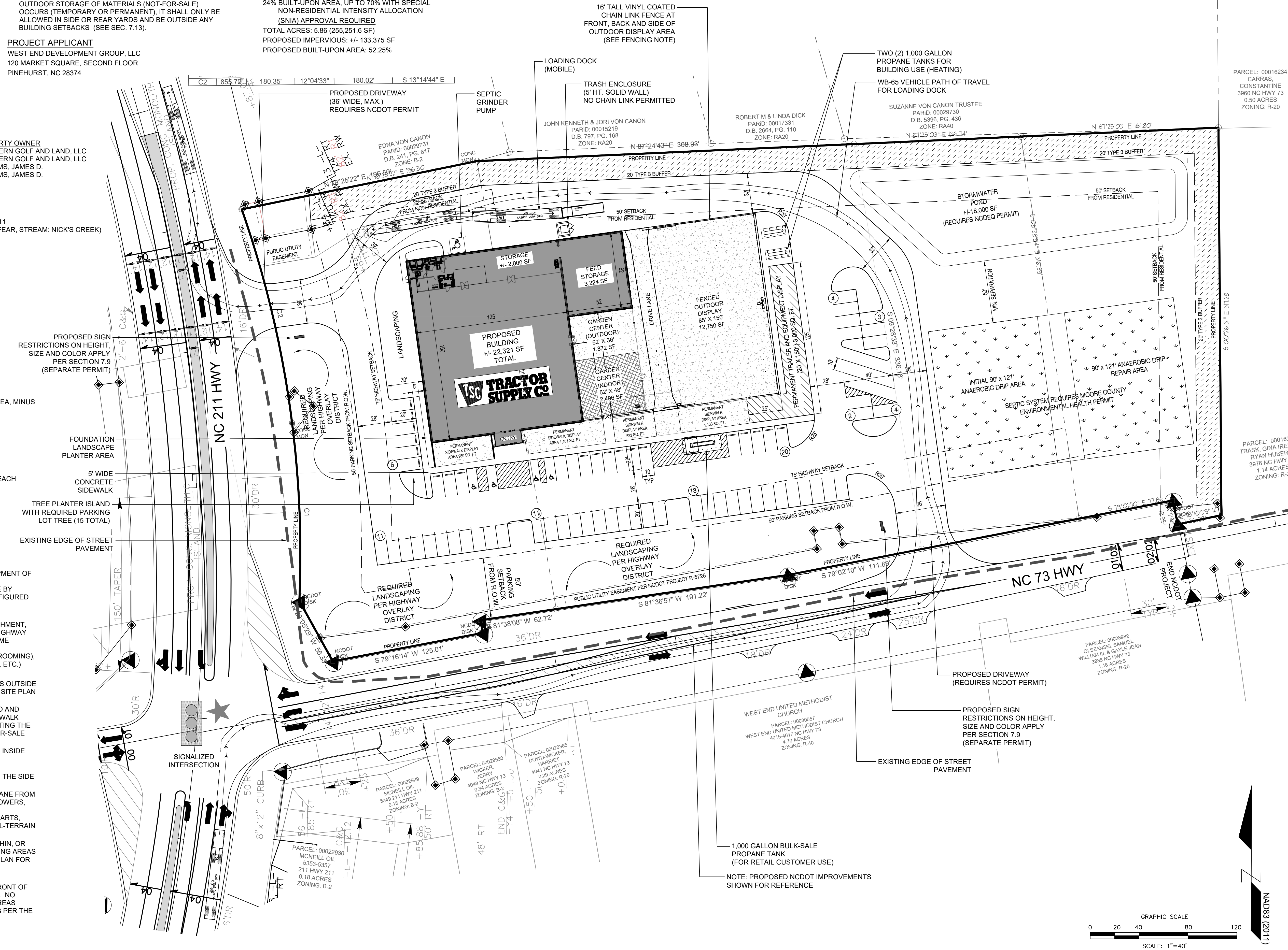
TOTAL ACRES: 5.86 (255,251.6 SF)
PROPOSED IMPERVIOUS: +/- 133,375 SF
PROPOSED BUILT-UPON AREA: 52.25%

PARKING LOT LIGHTING

- ALL EXTERIOR LIGHTING SHALL BE SHIELDED TO PREVENT
LIGHT FROM DIRECTLY HITTING ABUTTING PROPERTY OR
ANY PUBLIC RIGHT-OF-WAY.
- THE MAXIMUM MOUNTING HEIGHT OF ILLUMINATION IS 30
FEET FROM THE GROUND TO THE LIGHT SOURCE
- 74 PARKING SPACES = 14.8 (15) TREES REQUIRED
TREES PROVIDED = 15

PARALLEL CONDITIONAL ZONING DISTRICT

- THE PROPOSED PROJECT SEEKS CONDITIONAL REZONING
THAT DIRECTLY CORRESPONDS TO AN EXISTING
CONVENTIONAL ZONING DISTRICT.
- THE PROPOSED SITE PLAN IS PROVIDED AS CONDITION OF
USE FOR THE PROPOSED CONDITIONAL REZONING.



LINE	BEARING	DISTANCE
L1	N 74°07'47" E	27.69'
L2	S 10°44'17" E	10.54'

CURVE	ARC	DELTA ANGLE	CHORD	CH BEARING	RADIUS	TANGENT
C1	145.97'	09°46'25"	145.97'	N 02°19'15" W	855.72'	73.16'
C2	180.35'	12°04'33"	180.02'	N 13°14'44" W	855.72'	90.51'

NOTE: INFORMATION PROVIDED FROM SURVEY BY BENNY L. BROWN FOR SOUTHERN
GOLF AND LAND, LLC, DATED 4/28/2021; RECORDED 5/03/2021 DEED BK: 18 PG: 920-920
EXISTING CONTOURS PROVIDED BY MOORE COUNTY GIS. CONTOUR INTERVAL: 2'

REVISIONS:	DATE	BY	REVISION
1	5/28/23		UPDATED PER PLANNING COMMENTS

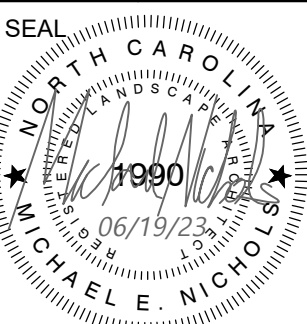
CLIENT INFORMATION:

PARAMOUNT ENGINEERING
122 Cinema Drive
Wilmington, North Carolina 28403
(910) 791-6707 (O) (910) 791-6766 (F)
NC License #: C-2846

CONDITIONAL REZONING SITE PLAN
TRACTOR SUPPLY CO.

WEST END, MOORE COUNTY
NORTH CAROLINA

PROJECT STATUS
CONCEPTUAL LAYOUT:
FINAL DESIGN:
RELEASED FOR CONSTRUCTION:
DRAWING INFORMATION
DATE: 06/19/23
SCALE: 1"=40'
DRAWN BY: MICHAEL NICHOLS
CHECKED:



C-1

PEI JOB#: 00000.00

CONDITIONAL REZONING APPLICATION

COMMUNITY MEETING REPORT

Thursday, May 4, 4:00 PM – 5:00 PM

4020 NC 73 Hwy West End, NC 27376

Proposed Retail Sales and Garden Center – 4020 NC 73 Hwy

Community Members Present: Lori Von Canon, Kendrick Ross, John Von Canon, Edward Wareham, Gina Trask, Jeremy Rust, Phil Bare, Gayle Mace, Suzanna VonCannon, Jane Leechford, Larry Tazcune, Brenda Burt, Ron Burt, Linda Dick, Rena Estes, Harriet Dowd-Wicker, Sam Olszanski, Gayle Olszanski, Mary Ellen Buckley, Brenden Watson, Steven Presley, Jane Sessla, RJ Williams, Matthew Scott, Sophia Carras, Daniel Bureau, Ryan Trask, Christine Sellers

Applicant's Representatives Present: Gavin Melia, Mike Nichols, Aditya Rangrej

Planning Staff Present: Ruth Pedersen, Debra Ensminger

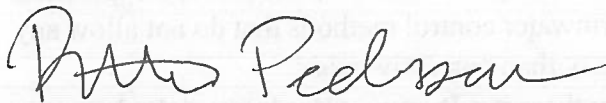
Community members present included adjacent property owners, business owners and members of the surrounding community. They expressed concern about several aspects of the proposed development including the following:

- Water runoff – will water runoff from the development impact nearby wells or increase drainage on adjacent properties? The applicant responded to this concern by explaining that they are required to have engineered stormwater control methods that do not allow any more water to be discharged off of the property than currently exists.
- Community members expressed the question: there is a Burney's Hardware right down the road – why do we need another hardware store?
- Community members expressed the question: will the buffer be full size when planted, or will it be several years before it provides adequate screening? The applicants responded to this concern by stating that they plan to use existing fully grown vegetation where possible.
- The visibility at the intersection of Vivian Rd. and NC 73 Hwy is poor. Community members were concerned about an increase in accidents at this intersection.
- Members of the nearby Church were concerned about the entrances to the proposed store interfering with the existing driveways to the Church.
- Community members were concerned about the appearance of the architecture of the proposed development. The view from Highway 211 would be the side of the building, which they felt was not visually appealing based on the drawings provided by the applicant.
- Community members expressed concern about the lighting impacting nearby residential areas. Planning staff explained that the lighting has to meet the Highway Corridor Overlay District Standards in Section 7.8 of the Moore County Unified Development Ordinance.
- Neighbors expressed concerns about the proposed stormwater pond which may present a danger to their young children as well as become a breeding ground for mosquitoes. They requested that as many trees be left between the pond and neighboring properties as possible, and asked that security fencing be added surrounding the pond.

List of those notified of the Community Meeting (certified mailings to adjacent properties):

Von Canon, Edna M
Von Canon, John Kenneth & Lori D
Dick, Robert M & Linda C
Von Canon, Suzanne Trustee
Trask, Gina Irene & Ryan Hubert
Carras, Christina Constantine & Other
Mingin, William & Dianne
Olszanski, Samuel William III & Gayle Jean
West End United Methodist Church
Dowd-Wicker, Harriet
Wicker, Jerry & Harriet
McNeill Oil Co
5364 Highway 211, LLC
Matthews, Lonnie R
Pine Ridge Properties
Department of Transportation
County of Moore

Respectfully submitted by,



Ruth Pedersen, MPA

Senior Planner – Moore County Planning and Inspections

MEMORANDUM TO THE PLANNING BOARD

FROM: Debra Ensminger
Planning Director

DATE: June 28, 2023

SUBJECT: Unified Development Ordinance amendments to Chapter 6 (Table of Uses) and Chapter 8 (Specific Use Standards) to add Commissary Kitchens as a specific use

PRESENTER: Debra Ensminger

BACKGROUND

The food industry in Moore County is consistently growing. The North Carolina Department of Health and Human Services requires a commissary kitchen on site at the location where food preparation takes place to be sold at a separate location, i.e. food trucks. This use is not meant to allow for food to be served on the premises. Currently, no use listed in the Unified Development Ordinance addresses this specific use. The County of Moore Planning Department has received several inquiries wishing to operate a commissary kitchen on their personal property from individuals who operate food trucks. The proposed text amendment would add a Commissary Kitchen use with standards for this type of operation to occur in Moore County.

REQUEST

A request to amend Chapter 6 and Chapter 8 of the Moore County Unified Development Ordinance as follows:

Bold text – additions to the ordinance

~~Strikethrough text~~ – deletions from the ordinance

1. AMEND Chapter 6 (Table of Uses), Section 6.1 (Principal Use Table) to add Section 8.33 (Commissary Kitchen) as follows:

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			
Zoning Districts [1]			S P Z A •

Principal Use Type	RA	RA-20	RA-40	RA-2	RA-5	RA-USB	RE	GC-SL	GC-WL	PC	B-1	B-2	VB	I	MF-CZ	PD-CZ		
Offices and General Services																		
Commissary Kitchen	P	•	•	•	•	•	•	•	•	•	P	P	P	P	•	A	8.33	B

REASON. To ensure the table of uses includes the new use.

2. AMEND Chapter 6 (Table of Uses) and Chapter 8 (Specific Use Standards) in their entirety:

Shift numbering of all uses after 8.33 to accommodate the addition of a new use.

REASON. To ensure that the numbering of all uses is consistent with the addition of Section 8.33.

3. AMEND Chapter 8 (Specific Use Standards) to add Section 8.33 as follows:

SECTION 8.33 COMMISSARY KITCHEN

A. DEFINITION

An establishment operated under permit from the Moore County Environmental Health Department where food is stored, prepared, portioned, or packaged, or any combination of these, where such food is intended for consumption at another establishment or place. It may also include a food establishment that services a mobile food unit or a pushcart.

B. STANDARDS

1. **No food shall be consumed or sold at the site unless associated with a permitted restaurant or other use that allows the consumption or sale of food.**
2. **The establishment shall obtain all applicable permits from the Moore County Environmental Health Department before a zoning permit is issued.**

REASON. To add a definition and standards specific to the commissary kitchen use. The definition was developed based upon looking at other communities in North Carolina that regulate this use, as well as working with the Environmental Health and Building inspections department to ensure standards would be sufficient to meet the requirements of these departments. See the attached document detailing how other jurisdictions handle this use.

4. AMEND Chapter 8 (Specific Use Standards), Section 8.57 (Home Occupation, Level 1) as follows:

SECTION 8.57-8.58 HOME OCCUPATION, LEVEL 1

A. DEFINITION

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

B. STANDARDS

1. Up to one home occupation shall be permitted per lot.
2. 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.
3. 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.
4. The operator of the home occupation must reside on the same lot.
5. Only one person not a resident of the dwelling may be employed.
6. Home occupations involving instruction, teaching, or training shall be limited to five students or participants at one time.
7. Signage shall be limited to one sign of up to four square feet in area.
8. At least one off-street parking space is required for a home occupation in addition to residence requirements.
9. The following uses are those that have been determined to be suitable as a Level 1 Home Occupation:
 - i. Beauty / Barber Shop / Nail Salon;
 - ii. **Commissary Kitchen;**
 - ~~iii.~~ iii. Office (no licensed medical office);
 - ~~iii.~~ iv. Produce Stand;
 - ~~iv.~~ v. Small Appliance Repair Shop (no outdoor storage); or
 - ~~v.~~ vi. Trade Contractor Office and Workshop (no outdoor storage).
10. Any use that exceeds one or more of the standards in this section shall be considered a Level 2 Home Occupation.

C. PROHIBITED ACTIVITY

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

D. EXEMPTION

1. Home occupation activities consisting of all of the following attributes are exempted from zoning permit requirements:
 - i. The activity uses no more than one room within the dwelling for no more than one computer or one desk-type activity;
 - ii. It does not include any signage or display of products;
 - iii. It does not typically generate more traffic volume beyond one customer per day; and
 - iv. Is limited to no more two residents of the dwelling who are employed in connection with the home occupation.
2. Examples may include online sales businesses (jewelry making or embroidery), tax preparer, or scrapbooking.

REASON. To allow commissary kitchens as a Level 1 Home Occupation provided the request meets all other requirements of the Home Occupation, Level 1 use. In researching other jurisdictions, it was found that many of them allow this type of kitchen use to take place as a home occupation. When occurring as a Home Occupation, the Commissary Kitchen would most likely be required to take place in an accessory building separate from the home due to Building Code standards and Environmental Health requirements regarding food preparation.

5. AMEND Chapter 8 (Specific Use Standards), Section 8.58 (Home Occupation, Level 2) as follows:

SECTION 8.58 8.59 HOME OCCUPATION, LEVEL 2

A. DEFINITION

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

B. STANDARDS

1. Up to one home occupation may be permitted per lot.
2. 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.
3. The operator of the home occupation must reside on the same lot as the operation.
4. More than one individual who is not a resident of the dwelling may be employed.
5. The specific use to be operated as the home occupation must comply with the specific use's standards, signage, parking, outdoor storage, screening, and other applicable regulations.
6. The following uses are those that have been determined to be suitable as a Level 2 Home Occupation:
 - i. Animal Shelters;
 - ii. Kennels, Overnight;
 - iii. Pet Day Care, Grooming, Obedience Training;
 - iv. Small Appliance Repair Shop (may include outdoor storage);
 - v. Trade Contractor Office and Workshop (may include outdoor storage);
 - vi. Feed and Seed Sales;
 - vii. Florist;
 - viii. Garden Center;
 - ix. Taxi Service;
 - x. Vehicle, Auto Parts, Tires, Farm Equipment, Boat, RV - Sales, Rental, Service;
 - xi. Child Care Facility (for accessory buildings only); ~~and~~
 - xii. Recreation, Low Impact Outdoor; ~~and~~
 - xiii. Commissary Kitchen.

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.

REASON. To allow Commissary Kitchens as a Level 2 Home Occupation provided that the request meets all other requirements of the Home Occupation, Level 2 use.

CONSISTENCY WITH THE 2013 MOORE COUNTY LAND USE PLAN

The Planning Board Consistency Statement which speaks to Land Use Plan goals is included for the Board's review and consideration.

RECOMMENDATION

Staff recommends the Moore County Planning Board make two separate motions:

Motion #1: Make a motion to adopt the attached **Approval** or **Denial** Planning Board Land Use Plan Consistency Statement and authorize the Chairman to execute the document as required by North Carolina General Statute 160D-604.

Motion #2: Make a motion to recommend **Approval** or **Denial** to the Moore County Board of Commissioners of the proposed amendments to Chapter 6 and Chapter 8 of the Moore County Unified Development Ordinance.

SUPPORTING ATTACHMENTS

- Planning Board Consistency Statement – Approval
- Planning Board Consistency Statement – Denial
- Other Jurisdiction Requirements

Moore County Planning Board
Land Use Plan Consistency Statement

Text Amendment to the Unified Development Ordinance (Commissary Kitchen)

The Moore County Planning Board finds that:

The proposed text amendment is consistent with the following goals as listed in the 2013 Moore County Land Use Plan:

1. It is consistent with Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of the areas around municipalities).
 - Recommendation 1.7: Support and promote local businesses. Action 1.7.3: Ensure land use policies allow a wide variety of home occupations.
 - o Adding the use of Commissary Kitchens and allowing them as a home occupation will provide opportunities for small business owners who currently have to pay high rent prices to use restaurant kitchens to prepare food.
2. It is consistent with Goal 4: Provide Information and Seek Citizen Participation.
 - Recommendation 4.1: Promote efforts to involve and inform citizens throughout various planning and permitting processes.
 - o This text amendment is necessitated by several citizens of Moore County who wish to operate Commissary Kitchens. Approval of the text amendment would be responsive to the needs of these citizens.

The proposed text amendment is reasonable and in the public interest because:

1. It supports the current 2013 Moore County Land Use Plan goals and recommendations listed above.
2. The specific use creates regulations for citizens to operate Commissary Kitchens either as a home occupation or as a standalone use.

Therefore, The Moore County Planning Board recommends **APPROVAL** of the text amendment to the Unified Development Ordinance, as proposed.

Joe Garrison, Chair
Moore County Planning Board

Date

Moore County Planning Board
Land Use Plan Consistency Statement
Text Amendment to the Unified Development Ordinance (Commissary Kitchen)

The Moore County Planning Board finds that:

The proposed text amendment is **not** consistent with the following goals as listed in the 2013 Moore County Land Use Plan:

1. It is not consistent with Goal 3: Optimize the Uses of Land Within the County of Moore.
 - Recommendation 3.1: Maximize accessibility among living, working, and shopping areas. Action 3.1.2: Encourage non-residential development to locate near major transportation routes and areas served by adequate water, sewer, natural gas, broadband, and electric power.
 - o The approval of this use could potentially allow a low-impact commercial use to take place on residential properties that may utilize wells and septic systems rather than existing public infrastructure.

The proposed text amendment is not reasonable and not in the public interest because the proposed text amendment will have an unreasonable impact on the surrounding community.

Therefore, the Moore County Planning Board recommends **DENIAL** of the text amendment to the Unified Development Ordinance, as proposed.

Joe Garrison, Chair
Moore County Planning Board

Date

Commissary Kitchen Research

Other Jurisdiction Regulations

- Chatham County allows commissary kitchens to operate under a home occupation permits. Their regulations allow them to have up to four non-residential employees, a small sign, and sales on site if needed.
- Lee County allows baking and cooking as a home occupation
- Randolph County requires a Special Use Permit if the operator lives on the property and the commissary is in a separate building
- High Point - Classify the use as an industrial type use – specifically a “Commissary Kitchen” is defined as “A food service establishment where food trucks return daily for service and storage. Activities may include the loading or storage of food and supplies, the sanitation of the truck and any other components, the disposal of wastewater and the refilling of potable water.” No land use standards specific to a Commissary Kitchen and as long as it meets Home Occupation standards (Section 4.4.5.H of the Development Ordinance) and Health Dept standards (depending on items prepared) then it could be a permitted Accessory Use – Home Occupation.
- Town of Stanley - *Commissary*: An accessory establishment to a primary retail use, operated under permit from the GCHD where food is stored, prepared, portioned, or packaged, or any combination of these, where such food is intended for consumption at another establishment or place. It is also the place which is used as the base of operations for one or more mobile food service operations or food trucks.

MEMORANDUM TO THE PLANNING BOARD

FROM: Debra Ensminger
Planning Director

DATE: June 30, 2023

SUBJECT: Unified Development Ordinance amendments to Chapter 8 and Chapter 20 to add transitional living to the standards for Camp or Care Centers and define transitional living

PRESENTER: Debra Ensminger

REQUEST

A request to amend Section 8.22 of the Unified Development Ordinance as follows:

Bold Text – additions to the ordinance

~~Strikethrough Text~~ – deletions from the ordinance

1. AMEND Chapter 8 (Specific Use Standards), Section 8.22 (Camp or Care Centers, Nonprofit) to include Transitional Living Facilities as follows:

SECTION 8.22 CAMP OR CARE CENTERS, NONPROFIT

A. DEFINITION

Land used by a nonprofit organization that consists of one or more buildings, located on a minimum 20 acres of land that provides accommodations for more than nine 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 **and transitional living facilities**. 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

Such uses shall provide at least one off-street parking space for each employee and one parking space for every five 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 ACTIVITIES

Unless associated with a transitional living facility, ~~No~~ no one shall remain at the campground for more than 30 continuous days within a 60-day period with the exception of staff.

REASON. To allow transitional living facilities to operate under the umbrella of a Camp or Care Center, Nonprofit in which residents may need to stay longer than 30 days to experience the benefits of the program.

2. AMEND Chapter 20 (Definitions), Section 20.2 (Definitions) as follows:

TRANSITIONAL LIVING FACILITY	A residential single or multifamily structure or structures in which the residents are supervised and/or mentored but not provided with medical treatment, where the residents are not considered a danger to others, and where residents stay for not more than three years. Transitional living facilities provide education, supervision, and guidance and are intended to prepare residents for independent living.
---	--

REASON. To add a definition of transitional living facility to provide context and clarity for the proposed amendment to Section 8.22.

BACKGROUND

This text amendment is to allow transitional living as part of a Camp or Care Center, Nonprofit. A Camp or Care Center, Nonprofit is defined as land used by a nonprofit organization that consists of one or more buildings, located on a minimum of 20 acres of land that provides accommodations for more than nine 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.

A Transitional Living Facility is defined as a residential single or multifamily structure or structures in which the residents are supervised and/or mentored but not provided with medical treatment and where the residents are not considered a danger to others. Transitional living facilities provide education, supervision, and guidance and are intended to prepare residents for independent living. No one shall reside at a transitional living facility for a period of longer than three years.

There are multiple Camp or Care Centers operating within Moore County including Cameron Boys Camp and Sandhills Teen Challenge. This text amendment would allow these entities to operate programs for teenagers and young adults to prepare them to live independently as productive members of the community.

CONSISTENCY WITH THE 2013 MOORE COUNTY LAND USE PLAN

The Planning Board Consistency Statement which speaks to Land Use Plan goals is included for the Board's review and consideration.

RECOMMENDATION

Staff recommends the Moore County Planning Board make two separate motions:

Motion #1: Make a motion to adopt the attached **Approval** or **Denial** Planning Board Land Use Plan Consistency Statement and authorize the Chairman to execute the document as required by North Carolina General Statute 160D-604.

Motion #2: Make a motion to recommend **Approval** or **Denial** to the Moore County Board of Commissioners of the proposed amendments to Chapters 8 and 20 of the Moore County Unified Development Ordinance.

SUPPORTING ATTACHMENTS

- Planning Board Consistency Statement – Approval
- Planning Board Consistency Statement – Denial

Moore County Planning Board
Land Use Plan Consistency Statement
Text Amendment to the Unified Development Ordinance (Transitional Living Facilities)

The Moore County Planning Board finds that:

The proposed text amendment is consistent with the following goal as listed in the 2013 Moore County Land Use Plan:

1. It is consistent with Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around municipalities).
 - The proposed text amendment is consistent with Action 1.5.2 which calls for supporting new developments that utilize existing infrastructure. The Moore County Planning Department has received several requests to operate transitional housing programs in the County, which demonstrates that there is a need for these facilities within the community. There are multiple Camp or Care Centers that have been operating in Moore County for many years. The proposed text amendment would allow the centers which already operate in Moore County to expand their programming and further their missions. Additionally, it would allow transitional housing programs as part of existing Camp or Care Centers so that new facilities would not need to be created.

The proposed text amendment is reasonable and in the public interest because:

1. It supports the current 2013 Moore County Land Use Plan goals and recommendations listed above.
2. The text amendment will utilize existing centers to support a need that exists within the community.

Therefore, the Moore County Planning Board recommends **APPROVAL** of the text amendment to the Unified Development Ordinance as proposed.

Joe Garrison, Chair

Date

Moore County Planning Board

Moore County Planning Board
Land Use Plan Consistency Statement
**Text Amendment to the Unified Development Ordinance (Transitional Living
Facilities)**

The Moore County Planning Board finds that:

The proposed text amendment is **not** consistent with the following goals as listed in the 2013 Moore County Land Use Plan:

1. It is not consistent with Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around municipalities).
 - Recommendation 1.8: Discourage undesirable or unattractive land uses, especially within high visibility areas.
 - o Transitional living facilities could be viewed as an undesirable or unattractive land use.

The proposed text amendment is not reasonable and not in the public interest because the proposed text amendment will have an unreasonable impact on the surrounding community.

Therefore, the Moore County Planning Board recommends **DENIAL** of the text amendment to the Unified Development Ordinance, as proposed.

Joe Garrison, Chair
Moore County Planning Board

Date

PRESENTER: Debra Ensminger

~~Strikethrough text~~ – deletions from the ordinance

- | ACCESSORY USE TABLE | |
|------------------------|--------|
| Accessory Use Type | RA |
| | RA-20 |
| | RA-40 |
| | RA-2 |
| | RA-5 |
| | RA-USB |
| | RE |
| | GGC-SL |
| | GGC-WL |
| | PC |
| | 3-1 |
| | 3-3-2 |
| | VB |
| | |
| | MF-CZ |
| PD-CZ | |
| Specific Use Standards | |
| Bldg. Code Class. | |

Indoor Athletic Courts – Text Amendment – Staff Report

A. DEFINITION

An accessory use or building shall be incidental and subordinate to the principal use or building and shall be conducted or located on the same lot. Examples of accessory buildings may include garages, carports, barns, and storage buildings.

B. PROCEDURE FOR ESTABLISHMENT

Accessory uses or structures may be approved in conjunction with the approval of the principal use or subsequently following the establishment of the principal use through the approval of a zoning permit or special use permit, as appropriate. Except for personal workshop/storage buildings, no accessory use or structure shall be approved, established, or constructed before a principal use is approved in accordance with this Ordinance.

C. GENERAL STANDARDS FOR ALL SECONDARY USES AND STRUCTURES

1. PERMITTED ACCESSORY USES AND STRUCTURES

- i. Indoor athletic courts (pickleball, basketball, tennis, etc.) shall be allowed as accessory uses to existing and proposed major subdivisions when they are clearly incidental to the subdivision and intended to serve the residents of the subdivision.**
- ii. Except for accessory dwellings, permitted accessory uses and structures shall:**
 - ~~i.~~ 01.** Be clearly incidental to an allowed principal use or structure;
 - ~~ii.~~ 02.** Be subordinate to and serve an allowed principal use or structure;
 - ~~iii.~~ 03.** Be subordinate in area, extent, and purpose to the principal use or structure; and
 - ~~iv.~~ 04.** Contribute to the comfort, convenience, or needs of occupants associated with the principal use or structure.

REASON. To clarify that indoor athletic courts are allowed as an accessory use when they are incidental to a major subdivision and are meant for use by the residents of said subdivision.

BACKGROUND

This text amendment is to clarify that major subdivisions may provide indoor sports courts such as pickleball, basketball, and tennis courts as accessory recreational uses for the residents of the subdivision. Currently recreation, indoor is not permitted in any of the zoning districts where major subdivisions are allowed. The text amendment would allow sports courts as an accessory use only within major subdivisions to serve the residences of said subdivisions.

CONSISTENCY WITH THE 2013 MOORE COUNTY LAND USE PLAN

The Planning Board Consistency Statement which speaks to Land Use Plan goals is included for the Board's review and consideration.

RECOMMENDATION

Staff recommends the Moore County Planning Board make two separate motions:

Motion #1: Make a motion to adopt the attached **Approval** or **Denial** Planning Board Land Use Plan Consistency Statement and authorize the Chairman to execute the document as required by North Carolina General Statute 160D-604.

Motion #2: Make a motion to recommend **Approval** or **Denial** to the Moore County Board of Commissioners of the proposed amendments to Chapter 6 of the Moore County Unified Development Ordinance.

SUPPORTING ATTACHMENTS

- Planning Board Consistency Statement – Approval
- Planning Board Consistency Statement – Denial

Moore County Planning Board
Land Use Plan Consistency Statement
Text Amendment to the Unified Development Ordinance (Accessory Indoor Athletic Courts)

The Moore County Planning Board finds that:

The proposed text amendment is consistent with the following goals as listed in the 2013 Moore County Land Use Plan:

1. It is consistent with Goal 2: Enhance the Union of the Built and Natural Environments to Improve Citizen Health through the Use of Open Space and Recreational Opportunities.
 - Recommendation 2.3: Provide both passive and active recreational opportunities for County residents by protecting natural resources that have recreational, environmental, or aesthetic value. Action 2.3.2: Encourage the location of recreational facilities close to residential areas and transportation nodes to increase public awareness and accessibility to these facilities.
 - o Allowing indoor athletic courts as accessory uses to major subdivisions will ensure that they are accessible to residential areas and provide recreational opportunities for residents of major subdivisions.

The proposed text amendment is reasonable and in the public interest because:

1. It supports the current 2013 Moore County Land Use Plan goals and recommendations listed above.
2. The text amendment will increase recreational opportunities for residents of major subdivisions in Moore County.

Therefore, the Moore County Planning Board recommends **APPROVAL** of the text amendment to the Unified Development Ordinance, as proposed.

Joe Garrison, Chair
Moore County Planning Board

Date

Moore County Planning Board
Land Use Plan Consistency Statement

Text Amendment to the Unified Development Ordinance (Accessory Indoor Athletic Courts)

The Moore County Planning Board finds that:

The proposed text amendment is **not** consistent with the following goals as listed in the 2013 Moore County Land Use Plan:

1. It is not consistent with Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around municipalities).
 - Recommendation 1.8: Discourage undesirable or unattractive land uses, especially within high visibility areas.
 - o Indoor athletic courts could be viewed as unattractive by some members of major residential subdivisions.

The proposed text amendment is not reasonable and not in the public interest because the proposed text amendment will have an unreasonable impact on the surrounding community.

Therefore, the Moore County Planning Board recommends **DENIAL** of the text amendment to the Unified Development Ordinance, as proposed.

Joe Garrison, Chair
Moore County Planning Board

Date