

MINUTES
MOORE COUNTY PLANNING BOARD
THURSDAY MAY 2, 2024
MOORE COUNTY HISTORIC COURTHOUSE- 2ND FLOOR

Board Members Present:

Joe Garrison (Chairman), David McLean (Vice-Chairman), Ron Jackson, Guy McGraw, John McLaughlin, Farrah Newman, and Ray Daly

Board Members Absent:

Mick McCue and Tucker McKenzie

Staff Present:

Debra Ensminger, Planning Director, Danielle Orloff, Senior Planner, Ruth Pedersen, Senior Planner, and Tron Ross, Associate County Attorney,

CALL TO ORDER

Chairman, Joe Garrison called the meeting to order at 6:00 PM

INVOCATION

Board Member John McLaughlin provided the invocation.

PLEDGE OF ALLEGIANCE

Chairman, Joe Garrison led the pledge of allegiance.

MISSION STATEMENT

Board Member, Ray Daly read the Moore County Mission Statement.

APPOINTMENT OF MEETING SECRETARY

Chairman Joe Garrison made a motion to appoint Danielle Orloff as Clerk to the Board. The motion was seconded by Board member, Ray Daly. The motion unanimously passed 7-0.

PUBLIC COMMENT PERIOD

There was one public comment from Rick Wilson, but he reserved his comments at that time.

CONSIDERATION OF ABSTENTIONS

There were no abstentions.

APPROVAL OF CONSENT AGENDA

Vice-Chairman, David McLean made a motion for approval of the consent agenda. Board member Ray Daly seconded the motion. The motion unanimously passed 7-0.

Chairman Joe Garrison adjourned the meeting as the Planning Board at 6:05 pm and reconvened as the Watershed Review Board.

PUBLIC HEARINGS

Public Hearing #1- A Special Non-residential Intensity Allocation (SNIA) to increase the maximum built-upon area to 52% on Parcel ID 00991632, consisting of 0.76 acres, owned by MB Equity, LLC per Deed Book 5239, Page 409. The property is zoned Highway Commercial Conditional Zoning (B-2-CZ) for a Mini-Warehouse (Self-Service). The potentially affected properties are located on Juniper Lake Road and surrounding properties.

Senior Planner Ruth Pedersen presented a Special Non-residential Intensity Allocation (SNIA) to increase the maximum built-upon area to 52% on Parcel ID 00991632, consisting of 0.76 acres, owned by MB Equity, LLC per Deed Book 5239, Page 409. The conditional rezoning request was heard a couple of months ago on Juniper Lake Road for the 16-unit mini warehouse. All required notices were completed. A total built upon area (BUA) of 17,063 sq ft (or 52%) is being requested. If approved, 0.76 acres would be subtracted from the 369.363 acres remaining for allocation (5%) and leave 368.60 acres for future allocation. Minimize the BUA by reducing the required parking.

Ron Jackson, asked for explanation for reasoning for subtraction of the 0.76 acres versus the balance of the acre. Planner Pedersen explained that it is the entire parcel that is subtracted. Planning Director, Debra Ensminger, explained that it is the law that requires the entire parcel acreage be subtracted. With no further questions from the board Chairman Joe Garrison opened the public hearing.

Kevin Lindsay, engineer for the project signed up to answer questions if needed. He explained the site layout and drainage mitigation techniques.

With no further questions from the board Chairman Joe Garrison closed the public hearing.

Board Member Ron Jackson made a motion to adopt a Special Non-residential Intensity Allocation (SNIA) to increase the maximum built-upon area to 52% on Parcel ID 00991632, consisting of 0.76 acres, owned by MB Equity, LLC per Deed Book 5239, Page 409. The property is zoned Highway Commercial Conditional Zoning (B-2-CZ) for a Mini-Warehouse (Self-Service). The potentially affected properties are located on Juniper Lake Road and surrounding properties. The motion was seconded by Ray Daly; the motion passed 7-0.

Chairman Joe Garrison adjourned the Watershed Review Board and reconvened the Planning Board at 6:12 pm.

Chairman Joe Garrison made changes to the agenda. 4th Public Hearing was moved up to next item.

Public Hearing #4 (as advertised) moved up on agenda- The below proposed text amendments to the Moore County Unified Development Ordinance will potentially affect all properties in Moore County:

1. To amend Chapter 8 (Specific Use Standards), Section 8.86.A (Public & Private Utility Facilities) (Definition) to add “Wireless Telecommunications Towers Serving Electrical Substations (See Section 8.115 B.7)” as “vi”, as a utility facility.
2. To amend Chapter 8 (Specific Use Standards), Section 8.86.B (Public & Private Utility Facilities) (Standards) to add **the standards for Wireless Telecommunications Towers Serving Electrical Substations** as follows:

III. WIRELESS TELECOMMUNICATIONS TOWERS SERVING ELECTRICAL SUBSTATIONS

Wireless telecommunications towers serving electrical substations shall meet the following standards.

01. COMPLIANCE WITH FEDERAL AND STATE REGULATIONS

All wireless communication facilities shall comply with or exceed current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the federal government that regulates wireless communications facilities.

02. OBSTRUCTION LIGHTING

Lighting of a wireless communications facility shall be limited to that required for compliance with FAA minimum standards. Any lighting required by the FAA must be of the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable by the FAA. Nighttime strobing or flashing lights are prohibited, unless required by the FAA.

3. To amend Chapter 8 (Specific Use Standards), Section 8.115 (Wireless Communication Facility) Subsection B (Applicability) to add “Wireless Telecommunications Towers Serving Electrical Substations in accordance with Section 8.86 (Public & Private Utility Facilities)” as “7”, as an exemption from the requirements of Section 8.115.

Mrs. Pedersen explained that Duke Energy requested to build a tower at one of their substations to provide communications for Duke only. This would enhance protections for critical infrastructure. Current ordinance requires conditional rezoning, colocation, and setbacks. This is not the intent of Duke’s request. The Regional Land Use Advisory Commission (RLUAC) provided input and worked with staff to update ordinances that support FCC and FAA regulations while complying with FAA lighting standards.

With no further questions from the board Chairman Joe Garrison opened the public hearing Emily Tucker and Aaron Cook reserved their comments to let coworker, Amy Krout, an attorney at Smith Anderson, spoke on behalf of Duke to explain the request. This is a 120-foot monopole, with Wi-Fi antenna on top for remote monitoring and network communication.

With no further discussion or public comment Chairman Joe Garrison closed the public hearing.

Vice-Chairman, David McLean made a motion to adopt the attached Consistent Planning Board Land Use Plan Consistency Statement and authorize the Chairman to execute the document as

required by North Carolina General Statute 160D-604. The motion was seconded by Ray Daly; the motion passed 7-0.

Vice-Chair David McLean made a motion to recommend approval to the Moore County Board of Commissioners of the proposed amendments to Chapter 8 of the Moore County Unified Development Ordinance that will potentially affect all properties in Moore County. The motion was seconded by Ray Daly; the motion passed 7-0.

Public Hearing #2- The below proposed text amendments to the Moore County Unified Development Ordinance will potentially affect all properties in Moore County:

1. To amend Chapter 6 (Table of Uses), Section 6.2 (Accessory Uses) to add “and Structures” to the title of the section, as follows: **SECTION 6.2 ACCESSORY USES AND STRUCTURES**
2. To amend Chapter 6 (Table of Uses), Sections 6.2. A (Accessory Uses) (Definition) to consolidate language currently in Section 6.2.C.1.ii.04 as follows:
A. DEFINITION
An accessory use or building shall be incidental and subordinate to the principal use or building, **shall contribute to the comfort, convenience, or needs of occupants associated with the principal use or structure**, and shall be conducted or located on the same lot. Examples of accessory buildings may include garages, carports, barns, and storage buildings.
3. To amend Chapter 6 (Table of Uses), Section 6.2.B (Accessory Uses) (Procedure for Establishment) to update the language for personal workshop/storage buildings to require a permit application for a principal structure to be submitted before or at the same time as a permit application for a personal workshop/storage building as follows:
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. **A personal workshop/storage building may be built before the principal structure, provided a building permit application for the principal dwelling is submitted before or at the same time as the application for the personal workshop/storage building. The application for a personal workshop/storage building shall include a residential plot plan showing the location of the proposed home in relation to the personal workshop/storage building.**
4. To amend Chapter 8 (Specific Use Standards), Section 8.83 (Personal Workshop/Storage Building) to require a building permit application for a principal structure to be on file prior to or in conjunction with the application for a personal workshop/storage building in the absence of a principal dwelling unit as follows: **SECTION 8.83. PERSONAL WORKSHOP/STORAGE BUILDING**
A. DEFINITION A building to be used for storage or personal workspace, consistent with the type of storage allowed in a residential accessory building, owned and used

solely by the owner of the property on which it is to be located. Such buildings cannot be rented and shall not be used in any manner that would not be allowed in the zoning district in which it is located.

B. STANDARDS 1. The building may be built prior to the principal dwelling unit **provided a building permit application for the principal dwelling unit is submitted before or at the same time as the application for the building.**~~and~~
~~Only one personal workshop/storage building is allowed on the property in the absence of a principal dwelling unit.~~ 2. The personal workshop/storage building may not be located on a parcel smaller than two acres. 3. The personal workshop/storage building must meet the principal building setbacks of the underlying zoning district.
4. The application for a personal workshop/storage building shall include a residential plot plan showing the location of the proposed principal dwelling unit in relation to the personal workshop/storage building.

5. To amend Chapter 6 (Table of Uses), Section 6.2.C (Accessory Uses) (General Standards for all Secondary Uses and Structures) as follows:

C. GENERAL STANDARDS FOR ALL SECONDARY USES AND STRUCTURES 1. PERMITTED ACCESSORY USES AND STRUCTURES i. Indoor **and outdoor** 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:~~ 01. ~~Be clearly incidental to an allowed principal use or structure;~~ 02. ~~Be subordinate to and serve an allowed principal use or structure;~~ 03. ~~Be subordinate in area, extent, and purpose to the principal use or structure;~~ and 04. ~~Contribute to the comfort, convenience, or needs of occupants associated with the principal use or structure.~~

6. Amend Chapter 6 (Table of Uses), Section 6.2.C.4.i (Accessory Uses) (General Standards for all Secondary Uses and Structures) (Maximum Structure Size) in accordance with the one of or a combination of the options provided below:

Option #1 (based on 1 acre lot size) **4. RESIDENTIAL ACCESSORY STRUCTURES – MAXIMUM STRUCTURE SIZE i. On lots smaller than 1 acre in size, no accessory use or structure shall exceed the floor area associated with the principal use or structure it serves. ii. On lots 1 acre in size or larger, there is no maximum structure size for accessory uses or structures.** **5. NON-RESIDENTIAL ACCESSORY STRUCTURES – MAXIMUM STRUCTURE SIZE i. No non-residential accessory use or structure shall exceed the floor area associated with the principal use or structure it serves.** **6. AGRICULTURAL ACCESSORY STRUCTURES – MAXIMUM STRUCTURE SIZE i. Agricultural accessory structures associated with a bona fide farming operation as outlined in the North Carolina General Statutes, 160D-903, are exempt from County zoning regulations and therefore are not restricted in size of accessory structures used for farming purposes. Structures located on a farm that are used for nonfarm purposes are not**

exempt from this ordinance and shall comply with residential accessory structure size requirements.

Option #2 (based on 2-acre lot size) **4. RESIDENTIAL ACCESSORY STRUCTURES – MAXIMUM STRUCTURE SIZE** i. On lots smaller than 2 acres in size, no accessory use or structure shall exceed the floor area associated with the principal use or structure it serves. ii. On lots 2 acres in size or larger, there is no maximum structure size for accessory uses or structures. **5. NON-RESIDENTIAL ACCESSORY STRUCTURES – MAXIMUM STRUCTURE SIZE** i. No non-residential accessory use or structure shall exceed the floor area associated with the principal use or structure it serves. **6. AGRICULTURAL ACCESSORY STRUCTURES – MAXIMUM STRUCTURE SIZE** i. Agricultural accessory structures associated with a bona fide farming operation as outlined in the North Carolina General Statutes, 160D-903, are exempt from County zoning regulations and therefore are not restricted in size of accessory structures used for farming purposes. Structures located on a farm that are used for nonfarm purposes are not exempt from this ordinance and shall comply with residential accessory structure size requirements.

Option #3 (sliding scale) **4. RESIDENTIAL ACCESSORY STRUCTURES – MAXIMUM STRUCTURE SIZE** i. On lots 40,000 square feet in size or smaller, no accessory structure shall exceed the floor area associated with the principal use or structure it serves. ii. On lots greater than 40,000 square feet but less than 1 acre, an accessory structure may be up to 1.5 times the size of the principal structure it serves. iii. On lots 1 acre in size or greater, there is no maximum size for an accessory structure. **5. NON-RESIDENTIAL ACCESSORY STRUCTURES – MAXIMUM STRUCTURE SIZE** i. No non-residential accessory use or structure shall exceed the floor area associated with the principal use or structure it serves. **6. AGRICULTURAL ACCESSORY STRUCTURES – MAXIMUM STRUCTURE SIZE** i. Agricultural accessory structures associated with a bona fide farming operation as outlined in the North Carolina General Statutes, 160D-903, are exempt from County zoning regulations and therefore are not restricted in size of accessory structures used for farming purposes. Structures located on a farm that are used for nonfarm purposes are not exempt from this ordinance and shall comply with residential accessory structure size requirements.

Option #4 (Based on zoning district – Rural Districts RA, RA-USB, and RE) **4. RESIDENTIAL ACCESSORY STRUCTURES – MAXIMUM STRUCTURE SIZE** i. No accessory use or structure shall exceed the floor area associated with the principal use or structure it serves, unless located on a lot in the RA, RA-USB, or RE zoning districts. **5. NON-RESIDENTIAL ACCESSORY STRUCTURES – MAXIMUM STRUCTURE SIZE** i. No non-residential accessory use or structure shall exceed the floor area associated with the principal use or structure it serves. **6.**

AGRICULTURAL ACCESSORY STRUCTURES – MAXIMUM STRUCTURE SIZE i. Agricultural accessory structures associated with a bona fide farming operation as outlined in the North Carolina General Statutes, 160D-903, are exempt from County zoning regulations and therefore are not restricted in size of accessory structures used for farming purposes. Structures located on a farm that are used for nonfarm purposes are not exempt from this ordinance and shall comply with residential accessory structure size requirements.

Option #5 (Based on zoning district – all rural/residential districts with at least 1-acre minimum lot size: RA, RE, RA-2, RA-5, RA-USB) **4. RESIDENTIAL ACCESSORY STRUCTURES – MAXIMUM STRUCTURE SIZE i.** No accessory use or structure shall exceed the floor area associated with the principal use or structure it serves, unless located on a lot in the RA, RE, RA-2, RA-5, or RA-USB zoning districts with at least 1-acre minimum lot size. **5. NON-RESIDENTIAL ACCESSORY STRUCTURES – MAXIMUM STRUCTURE SIZE i.** No non-residential accessory use or structure shall exceed the floor area associated with the principal use or structure it serves. **6. AGRICULTURAL ACCESSORY STRUCTURES – MAXIMUM STRUCTURE SIZE i.** Agricultural accessory structures associated with a bona fide farming operation as outlined in the North Carolina General Statutes, 160D-903, are exempt from County zoning regulations and therefore are not restricted in size of accessory structures used for farming purposes. Structures located on a farm that are used for nonfarm purposes are not exempt from this ordinance and shall comply with residential accessory structure size requirements.

Option #6 (Based on agricultural use) **4. MAXIMUM STRUCTURE SIZE i.** Except for agricultural uses, no accessory structure's size shall exceed the size of the principal use.

Option #7 (No maximum structure size) **4. MAXIMUM STRUCTURE SIZE i.** No accessory use or structure shall exceed the floor area associated with the principal use or structure it serves.

7. To amend Chapter 6 (Table of Uses), Section 6.2.E.5 (Accessory Uses) (Accessory Use Table) to correct language: 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~~ **shown** in the approved master plan or terms and conditions document.

Senior Planner Pedersen explained that the current ordinance does not allow accessory structures that are larger than the principal structure. Staff has received several applications or requests for these structures that are larger than the principal structure. This request had been heard two months earlier, and the Planning Board had asked Staff to bring back more options for review. Staff has also brought some language updates to enhance clarification of the intent of the ordinance regarding accessory structures pertaining to size, allowability and timing of installation of the accessory structure. Board Member Ron Jackson asked for clarification

regarding the personal workshop/storage building and if it would be allowed on acreage of over 2 acres if there is no residential dwelling unit. Planning Director, Debra Ensminger, explained that the ordinances provide allowances within different uses, such as agricultural uses, that would allow a standalone barn or building to be placed on a residentially zoned parcel as the principal structure. Board Member, John McLaughlin, requested explanation of time limits to alleviate and prevent any issues with someone applying for a permit for a principal structure and then not completing it. Planning Director, Debra Ensminger explained that Building Code would then come into play to ensure compliance. The options were discussed, and it was explained that the current ordinance has safeguards for accessory structures when dealing with height, smaller lots, lots using septic, or lots within subdivisions with a HOA. Chairman, Joe Garrison, confirmed that Option 7 was what was initially brought two months earlier and is the least complicated. The Board asked for clarification for the personal workshop/storage building that it is already in the ordinance.

With no further questions from the board, Chairman Joe Garrison opened the public hearing.

With no further discussion or public comment, Chairman Joe Garrison closed the public hearing.

Ron Jackson and Guy McGraw were concerned that if the language was changed by this Text Amendment, that the larger residentially zoned lots would lose the ability to build a storage building. Planning Director, Debra Ensminger, pointed out that the intent of the ordinance has never been for a single storage building, which is not a residential use unless it is accessory to the principal structure, to be allowed in a residentially zoned area. Current ordinance has allowable uses for the larger rural agricultural lots for structures or uses that would address the board members concerns. Chairman, Joe Garrison, polled the board members to determine which option was the option of choice to recommend for approval.

Chairman, Joe Garrison, requested a brief recess at 7:01 pm.

Chairman, Joe Garrison reconvened the meeting at 7:03 pm and requested direction on how to state the motion without adopting the bolded language presented in the amendment.

Chairman, Joe Garrison made a motion to adopt the Consistent Moore County Planning Board Consistency Statement and authorize the Chair to execute the document as required by North Carolina General Statute 160D-604. The motion was seconded by Vice-Chairman, David McLean; the motion passed 7-0.

Chairman, Joe Garrison made a motion to adopt the proposed text amendments with revisions listed below:

Remove updated bold language in Chapter 6 (Table of Uses), Section 6.2.B (Accessory Uses) (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. **A personal workshop/storage building may be built before the principal structure, provided a building permit application for the principal dwelling is submitted before or at the same time as the application for the personal workshop/storage building. The application for a personal workshop/storage building shall include a residential plot plan showing the location of the proposed home in relation to the personal workshop/storage building.**

Remove updated Bolded language in Chapter 8 (Specific Use Standards), Section 8.83 B 1 & 4 (Personal Workshop/Storage Building):

1. The building may be built prior to the principal dwelling unit **provided a building permit application for the principal dwelling unit is submitted before or at the same time as the application for the building** and ~~only one personal workshop/storage building~~ is allowed on the property in the absence of a principal dwelling unit.
- 4. The application for a personal workshop/storage building shall include a residential plot plan showing the location of the proposed principal dwelling unit in relation to the personal workshop/storage building,**

And Selecting Option #7 with the amended text amendments as listed above, to Chapter 6 and Chapter 8 of the Moore County Unified Development Ordinance that will potentially affect all properties in Moore County.

The motion was seconded by Guy McGraw; the motion passed 6-1, with Ray Daly voting opposed.

Public Hearing #3 - The below proposed text amendments to the Moore County Unified Development Ordinance will potentially affect all properties in Moore County:

1. To amend Chapter 19 (Subdivisions) Section 19.16 (Subdivision Plat Requirements) (General Information) to make the following bolded changes: “Location **and type** of all existing buildings including distance to property lines **(if applicable)**”.
2. To amend Chapter 19 (Subdivisions) Section 19.16 (Subdivision Plat Requirements) (Amenities & Natural Features Layout) to delete “~~rock outcrops~~” and “~~any other features affecting the site~~” and to only require a wetland delineation on a Major Preliminary Plat, but a certification statement will be required on all Family Plats and Minor Plats.
3. To amend Chapter 19 (Subdivisions), Section 19.17.B (Subdivision Plat Certification Requirements) (Certification Statements) to add the following amenities and natural features certificate to the list of required certificates:
Amenities & Natural Features Layout Certificate:
The following statement shall be placed on all Family Plats and Minor Plats:

Wetlands, marshes, ponds, lakes, streams, railroads, or bridges may affect the site. This statement is based on GIS information and not an actual delineation.

4. To amend Chapter 19 (Subdivisions), Section 19.17.A (Subdivision Plat Certification Requirements) (Table) to add the **Amenities & Natural Features Layout statement** to the table required for Family Plats and Minor Plats.
5. To amend Chapter 19 (Subdivisions), Section 19.16 (Subdivision Plat Requirements) (Utility Layout) to add:
 - a. remove the requirement for a note indicating that the proposed subdivision will be served by either a central or individual water supply on family plats and minor plats and;
 - b. remove the requirement for a note indicating that the proposed subdivision will be served by either a central or individual sewer/septic system on family plats and minor plats.
6. To amend Chapter 19 (Subdivisions), Section 19.16 (Subdivision Plat Requirements) (Street Layout) to only require right-of-way & pavement location, widths & dimensions on Major Plats and remove “R” from Minor Plat.
7. To amend Chapter 19 (Subdivisions) Section 19.16 (Subdivision Plat Requirements) (Permits and Other Documentation Required Before Final Plat Approval) to remove the requirement for a ~~Private Road Maintenance Agreement~~ on Family and Minor Plats.
8. To amend Chapter 19 (Subdivisions), Section 19.6.D.3 (Minor Subdivisions) (Access Requirements) to remove the requirement for a private road maintenance agreement by deleting #3 under 19.6.D.
 1. A maximum of four lots (existing and/or new) can gain access through an existing, expanded, or new access easement.
 2. Any parcel as shown on the Moore County Tax Map dated December 31, 2015, shall have no more than one (existing or future) access easement.
 3. ~~Lots in a minor subdivision served by a new access easement must complete the private road maintenance agreement, which shall be recorded at the same time as the minor subdivision plat. Before the plat is approved, the Administrator shall consult with other departments and agencies, if applicable, to ensure conformance of the proposed subdivision with the various development standards set forth by County and State agencies.~~
9. To amend Chapter 19 (Subdivisions) Section 19.17.A (Subdivision Plat Certification Requirements) (Table) to remove the certificate of ownership requirement from Family Plats and Minor Plats.
10. To amend Chapter 19 (Subdivisions) Section 19.17.A (Subdivision Plat Certification Requirements) (Table) to add (areas of suitable & unsuitable soil for subsurface sewage disposal stamped by a licensed soil scientist to Septic Suitability Certificate Statement) Required “R” to Major Preliminary Plats and not required on Family Plats.
11. To amend Chapter 19 (Subdivisions), Section 19.4.C (Family Subdivisions) (Additional Documents) to remove the requirement for a private road maintenance agreement on family subdivisions and remove the requirement for a septic suitability certificate on family plats as follows:

C. ADDITIONAL DOCUMENTS

1. The application for a family subdivision shall include the following additional items:
 - i. The signed affidavit of family subdivision, or deed of gift;
 - ~~ii. The private road maintenance agreement, provided by the Administrator, if private streets or accessways are proposed; and~~
 - ~~iii. A septic suitability certificate as determined by the Moore County Department of Environmental Health Division or licensed soil scientist for each lot in the subdivision.~~
2. ~~The private road maintenance agreement and any associated easements shall be recorded in the office of the Register of Deeds at the same time as the family subdivision plat.~~
12. To amend Chapter 5 (Dimensional Standards), Section 5.1 (Table of Area and Setbacks) to add subsection E. Measurements and Exceptions as follows:

5.1 TABLE OF AREA AND SETBACKS

E. MEASUREMENTS AND EXCEPTIONS

1. The following encroachment standards shall apply to all required yards, so long as they do not extend into any easements:

- a. Chimneys, prefabricated chimneys, flues, or smokestacks may extend a maximum of four feet into a required yard.
- b. Building eave or roof overhang may extend up to 24 inches into a required yard; provided that such extension is at least three feet from the property line, its lower edge is at least seven and one-half feet above the ground elevation, and it is located at least five feet from any other building or eave.
- c. Sills and ornamental features may project up to 24 inches into any required yard.
- d. Fire escapes may project up to eight feet into any required yard but must maintain at least seven and one-half feet above a sidewalk, greenway, or street.
- e. Security gates and guard stations may be located within any required yard.
- f. Unenclosed patios, decks, or terraces, including lighting structures, may extend up to four feet into any required side yard, or up to eight feet into any required rear yard.
- g. Covered porches may encroach a maximum of 20% of the required front yard setback depth.
- h. Mechanical equipment for residential uses, such as HVAC units and security lighting, may extend into any required side yard but shall remain at least four feet from the property line.
- i. Structures below and covered by the ground may extend into any required yard.
- j. Planters, retaining walls, fences, hedges, and other landscaping structures may encroach into any required yard subject to visibility restrictions
- k. Utility lines located underground and minor structures accessory to utility lines (such as hydrants, manholes, and transformers and other cabinet structures) may encroach into any required yard.

13. To amend Chapter 20 (Definitions), Section 20.2 (Definitions) to update the definition of setback as follows:

SETBACK The required minimum distance between every building, measured from the furthest point of the building (such as eaves, deck) from all property lines and/or right of way lines of the lot on which it is located. Setbacks are not required from easement lines. (This does not include utility easements.) Fire escapes, awnings, stairways, steps, ramps, stoops, sills, ornamental features, balconies, decks, carports, whether enclosed or unenclosed, and similar items shall be considered as a part of the main building and shall not project into the required yard **(unless as an exception in accordance with Section 5.1.E – Measurements and Exceptions)**. Setbacks shall be measured to the body or box of the manufactured home and not to the pull structure or hitch on the end of the home.

Mrs. Pedersen explained the request originated from a lunch and learn that Planning Staff had with surveyors. This was an effort to update the checklist in the ordinance for required items on exempt, family, minor subdivisions, and major preliminary and major final subdivision maps. Outdated GIS layer information and additional costs and requirements of the property owners have led to discussions to determine the benefits of the requirement outweighing the process of obtaining and recording the information. Setback discussion was deemed important to lessen the strictness of current ordinance. Clarification of ground level requirement to adhere to four-foot setback.

With no further questions from the board Chairman Joe Garrison opened the public hearing. David Essick, with DZT Surveying was present to address any items from the surveyor's point of view. Surveyors felt that a permanent division should not include wetlands, but they should be included in the building process and felt that the wetlands request is tedious and should not be mentioned on the plat.

With no further discussion or public comment Chairman Joe Garrison closed the public hearing.

Planning Director, Debra Ensminger stated that they will not have to show actual delineations except on major plats. Citizen requests have led staff to require the statement that there may be wetlands present and may require further delineation.

Vice Chairman, David Mclean made a motion to adopt the attached Consistent Planning Board Land Use Plan Consistency Statement and authorize the Chairman to execute the document as required by North Carolina General Statute 160D-604. The motion was seconded by Ray Daly; the motion passed 7-0.

Vice-Chair David McLean made a motion to recommend approval to the Moore County Board of Commissioners of the proposed amendments to multiple sections in Chapter 19 (Subdivisions), Chapter 5 (Table of Area and Setbacks. E- Measurements and Exceptions) and Chapter 20 (Definitions) of the Moore County Unified Development Ordinance. The motion was seconded by Ray Daly; the motion passed 7-0.

Public Hearing #5 - The below proposed text amendments to the Moore County Unified Development Ordinance will potentially affect all properties in Moore County:

1. To amend Chapter 12 (Conditional Rezoning), Section 12.5.H.1.ii.06 (Amendment) (Minor Modifications) as follows:

06. Changes to the arrangement or location of buildings provided **the total size of all buildings within the development is not increased by more than 5% of the original approved building area and the impervious surface total does not exceed the allowable total for the location.**
~~there is no increase in the number of buildings, size, or amount of impervious surface.~~

2. To amend Chapter 12 (Conditional Rezoning), Section 12.5.H.2.ii. 03. & 04 (Amendment) (Major Modifications Considered Amendments) as follows:

03. ~~Changes in density or intensity;~~ **Changes in size of buildings that increase the approved total area of all buildings by more than 5% or increase impervious surface beyond the allowable limit for the location;**

04. Any increase in impervious surface that would require approval of a Special Non-Residential Intensity Allocation;

Also, adjust numbering of the current 04, 05, and 06.

Mrs. Pedersen explained the request of the amendment of current language that would allow minor modifications of not more than 5% for total area of all the buildings. This will allow for more flexibility between the concept and actual final site plans. It will make it easier on the property owners to make smaller changes that are deemed minor and be handled administratively rather than having to go back before the boards. This amendment would only apply on built upon area (BUA) not height, impervious surface and other items that fall under a major modification. Board discussed an amount possibly higher than the recommended 5%, but staff explained how current ordinance maintains control between determining minor vs major when dealing with modifications. This is how staff determined that 5% for total area of all the buildings was a good number that would benefit applicant but not be so much that would push it to a major modification.

With no further questions from the board Chairman Joe Garrison opened the public hearing.

With no further discussion or public comment Chairman Joe Garrison closed the public hearing.

Chairman, Joe Garrison made a motion to adopt the attached Consistent Planning Board Land Use Plan Consistency Statement and authorize the Chairman to execute the document as required by North Carolina General Statute 160D-604. The motion was seconded by Vice-Chairman, David McLean; the motion passed 7-0.

Vice-Chair David McLean made a motion to recommend approval to the Moore County Board of Commissioners of the proposed amendments to Chapter 12 of the Moore County Unified Development Ordinance that will potentially affect all properties in Moore County. The motion was seconded by Ray Daly; the motion passed 7-0.

Public Hearing #6 - The below proposed text amendments to the Moore County Unified Development Ordinance will potentially affect all properties in Moore County:

1. To amend Chapter 6 (Table of Uses), Section 6.1 (Principal Use Table) to add Section 8.77 (Mobile Food Campus) to Retail Services.
2. To amend Chapter 6 (Table of Uses), Section 6.2 (Accessory Uses) to add Section 8.76 (Mobile Food Vendor) to Commercial Uses.
3. To amend Chapter 6 (Table of Uses) and Chapter 8 (Specific Use Standards) to adjust the numbering of all uses beginning with 8.76 to accommodate the two new uses.
4. To amend Chapter 8 (Specific Use Standards) to add Section 8.76 to Mobile Food Vendor and Section 8.77 to Mobile Food Campus, which would update subsequent numbering of other Uses listed in this section, if adopted:

SECTION 8.76. MOBILE FOOD VENDOR

A. DEFINITION A motor vehicle or a food trailer towed by another vehicle that is designed and equipped to sell food and/or beverages directly to consumers.

B. PERMITTING

1. No more than one (1) Mobile Food Vendor shall be permitted per parcel, unless included in a Mobile Food Campus (see Section 8.77).

2. A Zoning Compliance Permit shall be required for all Mobile Food Vendors located on private property.

3. The Mobile Food Vendor shall provide written consent from the property owner of the property on which the mobile food vendor is proposing to locate.

4. Documentation of approval from a County Health Department shall be submitted as an attachment to the Zoning Compliance Permit application. When associated with a temporary event, the zoning compliance permit shall be valid for the duration of the event. The applicant shall provide the dates of the event in the application for a Zoning Compliance Permit.

5. The use of a Mobile Food Vendor as an accessory, temporary use may be permitted for a maximum of 60 consecutive days.

6. A site plan shall be provided to the County as an attachment to the Zoning Compliance Permit to show the proposed location of the Mobile Food Vendor on the parcel.

C. LOCATION

1. A Mobile Food Vendor located outside of a Mobile Food Campus shall be permitted as an Accessory Use in accordance with Section 6.2 of this ordinance and the standards of this section.

2. Mobile Food Vendors shall only be located on private property, unless approved as a vendor during a public event that requires locating on public property.

3. No parking shall be permitted in the public street, Right of Way or sidewalk unless the street has been closed for a special event and the food truck is an approved vendor of the event.

4. Mobile Food Vendors shall not block parking spaces, drive aisles, access to loading/service areas, or emergency access or fire lanes.

5. Mobile Food Vendors must be located at least 15' from fire hydrants and driveways.

D. OPERATION

1. Hours of Operation shall be limited to 7am to 10pm.

2. Mobile Food Vendors shall only remain on-site during operating hours. All Mobile Food Vendors must be removed from the parcel after operating hours and be stored in a legally permissible location off-site. Overnight storage of Mobile Food Vendors on-site is prohibited.

3. Mobile Food Vendors shall be located at least 100' from the main entrance of a restaurant located within a principal structure during business hours unless authorization is received by the restaurant.

4. Temporary connections to potable water are prohibited. All plumbing and electrical connections shall be in accordance with North Carolina state building code.

5. Grease and wastewater must be contained and disposed of in an approved grease receptacle located at the associated restaurant or commissary.

6. If operating after dark, the vehicle shall provide appropriate lighting.

7. Drive-up windows are not permitted.

8. Owners/operators are responsible for proper disposal of waste and trash associated with the operation.

SECTION 8.77. MOBILE FOOD CAMPUS

A. DEFINITION The sale of food and beverages by multiple individual mobile food vendors on a single parcel of land that provides shared parking, outdoor dining areas, waste receptacles, and restroom facilities, and that may include a mixture of uses such as mobile retail vendors and recreational vendors or facilities.

B. PERMITTING

1. Prior to construction, the property shall be rezoned to Planned Development Conditional Zoning (PD-CZ) district in accordance with Chapter 11 (Conditional Rezoning), and Section 3.18 (Additional Standards for PD-CZ).

2. The Master Plan shall be reviewed by the appropriate County departments as well as outside agencies such as, but not limited to, NCDOT and DEQ. The Master Plan shall be subject to the standards outlined in this section, as well as any additional conditions placed on the application by the Board.

3. Following rezoning and master plan approval, a Zoning Compliance Permit shall be required for each mobile vendor that occupies a vendor stall on the site. All mobile vendors shall be required to obtain necessary permits and licenses, and clearly display these on the mobile vendor vehicle.

4. Mobile food vendors shall obtain permitting from the County Environmental Health Department where their commissary is located and display such permit on the mobile food structure at all times.

C. OPERATIONS

1. Hours of operation shall be limited to the hours between 7AM and 12AM. If the Mobile Food Campus is located within 200 feet of a residential zoning district or building used for single-family or two-family dwelling, the hours of operation shall be limited to between 7AM and 10PM.

2. All vendors and accessory uses/structures shall be located a minimum of 100 feet from any dwelling in an adjacent residential district.

3. The Mobile Food Campus shall comply with the Moore County Noise Ordinance.

4. Mobile retail and/or recreational vendors/facilities shall be limited to the specific uses outlined in the associated Master Plan.

5. When in operation, the Mobile Food Campus operator or their designee must be present.

6. Mobile vendor vehicles, including those associated with mobile food vendors and/or mobile retail or recreational vendors, may remain on-site overnight for storage, but shall only be permitted to do so if operating on-site a minimum of four (4) consecutive days per week. Mobile food campuses shall not be utilized to permanently store mobile vendor vehicles that are not in use as an active vendor on the campus. Active use is described as operating a minimum of four (4) consecutive days per week on-site.

7. Mobile Food Campuses may be permitted as a Commissary Kitchen provided, they meet the specific use standards in Section 8.33, and they obtain all applicable permits from the Moore County Environmental Health Department.

8. Mobile Food Campuses shall be limited in the quantity of stalls for vendors (including mobile food, retail, and recreational vendors) based on the calculations provided below:

(a) A maximum of four (4) mobile vendors shall be permitted per acre for the first one (1) acre;

(b) Two (2) additional mobile vendors shall be permitted per one-half acre following the first acre.

(c) No more than fifteen (15) mobile vendors shall be permitted in total on one campus.

D. OUTDOOR DINING

1. The Mobile Food Campus shall include one (1) or more shared outdoor dining or seating areas. These areas shall be reflected on the Master Plan.

2. All outdoor dining and seating shall be Americans with Disabilities Act (ADA)compliant.

3. All outdoor dining areas shall provide appropriate outdoor lighting if hours of operation occur prior to 8AM and after 5PM.

E. UTILITIES AND WASTE

1. All waste must be disposed of properly and removed at the end of each day, or as needed to maintain the health and safety of the public.

2. Trash receptacles shall be provided at all outdoor dining areas and shall be properly emptied at the end of each day.

3. An on-site restroom facility shall be provided to service all mobile food vendors and visitors. These facilities shall be located entirely indoors and in accordance with the North Carolina Plumbing Code. On-site restrooms shared with an associated principal use may be used to fulfill this requirement. Portable toilets are prohibited.

4. Temporary connections to potable water are prohibited. All plumbing and electrical connections shall be in accordance with State building code. The use of portable generators is prohibited.

5. Grease and wastewater must be contained and disposed of in an approved grease receptacle, approved by Environmental Health.

6. If operating after dark, the vehicle shall provide appropriate lighting.

7. Drive-up windows are prohibited.

F. ACCESS AND PARKING

1. All vendors shall be accessed by an internal private street and/or shared parking lot.

2. A minimum of five (5) parking spaces shall be provided per mobile food vendor to serve employees and customers. Additional parking shall be provided for accessory uses such as mobile retail vendors and/or recreational vendors/facilities. Final parking lot design and space count shall be determined during the review of the Master Plan and PD-CZ application.

3. All parking provided shall be subject to the standards outlined in Section 7.14 of this ordinance.

G. SIGNAGE

1. Signage for the Mobile Food Campus shall be permitted subject to the requirements outlined in Section 7.15 of this ordinance.

2. Individual vendors shall be permitted a single A-frame sign located within five (5) feet of their mobile vendor vehicle. This sign shall not require a permit and shall be removed when the mobile vendor is not in operation.

Mrs. Pedersen explained the request has been presented due to the popularity of the mobile food campus use. Definition and standards for both the mobile food campus and the mobile food vendor were laid out for the Board. Planned development conditional zoning was explained for a multiple use situation. Board asked if we currently allow mobile food vendors. Staff explained that Environmental Health regulates them but currently zoning does not regulate them. The Board discussed the large number of regulations that have been presented tonight in addition to the high standards like no generators. Chairman, Joe Garrison requested to table the hearing to allow more time for absorption of current non regulation versus what is being presented. Ray Daly asked about timelines for zoning permits. Zoning would consider it a temporary event, and if the applicant submitted a complete application packet turnaround could be very timely. Environmental Health is currently required to approve a mobile food vendor to be at a location so what is being presented tonight is only to require the temporary permit in addition to what is currently required.

Guy McGraw asked if the items could be separated. The Board was in favor of zoning and requirements for the mobile food campus but would opt to not regulate the mobile food vendor on the individual event or level.

With no further questions from the board Chairman Joe Garrison opened the public hearing.

With no further discussion or public comment Chairman Joe Garrison closed the public hearing.

Chairman, Joe Garrison made a motion to table this item until July 11, 2024, meeting. The mobile food campus will be brought to the next meeting and the mobile food vendor will be removed. The motion was seconded by Ray Daly; the motion passed 7-0.

PLANNING DEPARTMENT REPORTS

Planning Director, Debra Ensminger, mentioned that she will be on vacation during the next planning board meeting on July 11, 2024. Haley Hogg will be at the meeting along with Planning staff. When there are large items that would require more information and time, staff will work with the Chair and Vice-Chair to schedule a work session for the Planning Board to help expedite the process.

PLANNING BOARD COMMENT PERIOD

No further comments from the board.

ADJOURNMENT

With no further comments Chairman, Joe Garrison made a motion to adjourn the meeting. The motion was seconded by John McLaughlin, the motion passed unanimously 7-0. The meeting adjourned at 8:17 p.m.

Respectfully submitted,

Danielle Orloff
Senior Planner
Elected Secretary to the Planning Board May 2, 2024, meeting