

**MOORE COUNTY PLANNING BOARD
REGULAR MEETING
THURSDAY, JULY 2, 2015, 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd Floor**

CALL TO ORDER – 6 PM

INVOCATION – (Member Volunteer)

PLEDGE OF ALLEGIENCE – (Member Volunteer)

MISSION STATEMENT – (Member Volunteer)

ELECTION OF VICE CHAIR

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

II. APPROVAL OF CONSENT AGENDA

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

- A. Approval of Meeting Agenda
- B. Approval of Minutes of May 7, 2015
- C. Consideration of Abstentions

III. WORK SESSION

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

IV. OTHER BOARD MATTERS

V. PLANNING DEPARTMENT REPORTS

VI. BOARD COMMENT PERIOD

VII. UPCOMING EVENTS

- Tuesday, July 21, 2015 5:30 PM Board of Commissioners Meeting to be held at the Historic Courthouse in Carthage.
- Thursday, August 6, 2015 6:00 PM Planning Board Meeting to be held at the Historic Courthouse in Carthage

VIII ADJOURNMENT

Special accommodations for individuals with disabilities or impairments will be made upon request to the extent that reasonable notice is given to the County.

Please see attached procedures for the Public Comment Period and public comment during Public Hearings

**PUBLIC COMMENT PROCEDURES
MOORE COUNTY PLANNING BOARD**

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

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

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

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

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

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

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

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

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

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

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

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

Adopted on the 4th day of February, 2010 by a 8 to 1 vote of the Moore County Planning Board

**MOORE COUNTY PLANNING BOARD
PUBLIC HEARINGS PROCEDURES**

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

- 1. Anyone who would like to address the Board during a public hearing should register on the appropriate sign-up sheet indicating their name and address. Sign-up sheets will be available on the table outside the entrance door to the Meeting Room 30 minutes before the start of the meeting. Information sheets outlining the process for the public's participation in Board meetings and public hearings will also be available. No one will be allowed to have his/her name placed on the list by telephone request to County Staff.*
- 2. Each speaker will be called by the Chairman to the lectern, will state their name and address clearly into the record before providing their comments.*
- 3. Speakers will address all comments to the Board as a whole and not to any one individual member. Speakers will be respectful, courteous, refrain from personal attacks and the use of profanity.*
- 4. Any applause will be held until the end of the public hearing.*
- 5. Speakers who have prepared written remarks or supporting documents are encouraged to leave a copy of such remarks and documents with the Secretary.*
- 6. Action on items brought up during the public hearing will be at the discretion of the Board.*

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

MINUTES
MOORE COUNTY PLANNING BOARD
THURSDAY MAY 7, 2015, 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd FLOOR

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

Board Members Absent: Robert Hayter

Staff Present: Debra Ensminger, Planning Director
Theresa Thompson, Planner
Tim Emmert, Planning Supervisor
Brenda White, Deputy County Attorney
Lydia Cleveland, Administrative Officer II

CALL TO ORDER

Planning Board Chairman Buck Mims called the meeting to order.

INVOCATION

Board Member Aaron McNeill offered the invocation.

MISSION STATEMENT

Board Member Eli Schilling 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 April 16, 2015
- C. Consideration of Abstentions

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

PUBLIC HEARING(s)

Chairman Mims opened public hearing #1

The applicant, Fred Hobbs, is seeking approval of amendments to the application and land development plan for the Pine Forest Planned Unit Development-Hamlet (PUD-H) fronting on both NC Hwy 211 and NC Hwy 73 on parcels (ParID: 00015770, 00020641, 00020654, 00020660, 00020634, 00020645, 00020658, 98000728, 00020750, 00020652, 20080013, 00023428, 00015773, 00015974, 00020752, 00020757) owned by MHK Ventures Inc. as identified in Moore County tax records. These parcels consist of approximately 1,652 acres.

Prior to presenting public hearing #1, Planning Director Debra Ensminger passed out the Land Development Plan also included in the Board's packet.

Ms. Ensminger welcomed all present members of the Board and stated that the applicant of public hearing #1 is seeking an amendment of documents related to the Pine Forest development. Ms. Ensminger stated that all conditions that were set forth at the time it was originally approved on September 6, 2011 by the Moore County Board of Commissioners are still in place today. Ms. Ensminger summarized that the applicant is seeking three amendments to the original application. The three amendments include moving the access off highway 211 closer to Archie Road, relocating the wastewater treatment plant from Pine Forest to the Dormie Club site, and the request to use potable water for irrigation until the wastewater treatment plant is constructed.

Board Member Scott McLeod asked for confirmation that the potable water would only be used until the construction of the wastewater treatment plant and Ms. Ensminger confirmed this statement.

Ms. Ensminger further stated that the water and sewer agreement is one of the items included in the Board Order and is anticipated to be heard at an upcoming Board of Commissioners meeting.

Ms. Ensminger explained that approval of the three amendments will allow county staff to move forward with the water and sewer agreement and the Moore County Planning Director to sign the preliminary plan.

Ms. Ensminger concluded her presentation and asked the Board if they had any questions.

Chairman Mims asked if there is a timeline for when the wastewater treatment plant will be operational and Ms. Ensminger explained this will be determined once the water and sewer agreement is finalized.

Board Member McLeod asked if there is any indication on how much water will be consumed for irrigation and Ms. Ensminger stated they have not.

Board Member Schilling asked if the amount to be proposed may adversely affect the water supply and Ms. Ensminger explained that the water and sewer agreement will address all these concerns with the intention of keeping the citizens of Moore County safe.

Board Member McLeod asked if there is a deadline for the wastewater treatment plant and Ms. Ensminger explained this will be addressed at the Board of Commissioner level.

Board Member Rich Smith asked for confirmation that the irrigation will be recharged into the local ground water and Ms. Ensminger stated that this is correct.

Chairman Mims asked if the Board had any more questions.

Board Member Schilling asked for confirmation that the other entrance not mentioned in the amendments will remain at the same location and Ms. Ensminger confirmed there will be two entrances one off highway 211 and highway 73.

Chairman Mims asked if the Board had any more questions and with no further questions from the Board, Chairman Mims called on individuals who signed the public hearing sign in sheet for item number one.

Robert Stolting stated his name and that he is from West End and explained he would like to give his three minutes to the next speaker on the list Ms. Ruth Stolting.

Ruth Stolting stated her name and that she is from West End and is present to speak on behalf of members and friends of Save Our Sandhills. Ms. Stolting explained that those she is representing have been concerned about the Pine Forest development in the past and are presently concerned about the relocation of the wastewater treatment plant from Dormie Club. Ms. Stolting is particularly concerned about the relocation of the wastewater treatment plant because a map she displayed had a wastewater treatment plant already mapped on Dormie Club. In reference to this relocation Ms. Stolting would like information on the following in regards to the proposed wastewater treatment plant; the size and how many the plant intends to serve, the location, the monitoring of ground and surface water around Little River, and the specifications to safeguard the watershed in case of an accident. In conclusion, Ms. Stolting asked that item #1 of the proposed amendments be denied.

Chairman Mims asked Ms. Stolting if she had any evidence regarding the adverse effect on the water supply or community. Ms. Stolting stated that the Planning Director for Whispering Pines has issues with silt and she is more concerned about potential issues.

Chairman Mims asked for confirmation regarding Ms. Stolting comments about the wetlands and she did not have her information with her but did mention data was found in 2007. In response Chairman Mims read the following “a 75 foot setback will be provided on each side of the center lines of each blue line stream of the property and or a 25 foot buffer from all wetland which everyone is greater”. Ms. Stolting concluded that Carthage

has been very involved and Vass and Whispering Pines did not have any idea anything was going in their watershed.

Bill Hubert stated his name and that he is from Pinehurst. Mr. Hubert would like clarification on why the wastewater treatment plant will be moved as well as the size and stated he is concerned about the use of Nicks Creek water. Board Member Schilling confirmed for Ms. Hubert that Nicks Creek water will not be used for irrigation as specified as part of the conditions.

Peter Levine stated his name and that he is from West End. Mr. Levine explained that he is very confused about the project because of the controversy in the past as well as the possibility of the property being for sale. Chairman Mims stated that this project has not been completed haphazardly and Board Member Joe Garrison asked for clarification if Mr. Levine was opposed to the project originally in which stringent standards were put in place. Mr. Levine did not address Mr. Garrison's question and concluded by thanking the members of the Board and stated that he hoped they would take his and others concerns into consideration.

Marsh Smith stated his name and that he is from Mills Creek. Mr. Smith explained that he most concerned about Nicks Creek due to the possibly of sewage being deposited into this body of water due to line breaks. Mr. Smith further stated that he appreciated the legal ads in the paper but the property signs were small in his opinion.

The applicant Fred Hobbs was called forward for his statements and to answer any questions from previous speakers. Mr. Hobbs explained that the commissioners have been stringently concerned if there is a spill into Nicks Creeks and in response met with several departments within Moore County. In regards to the size the site was initially designed for a million gallons a day but it is currently being designed for 500,000 gallons per day in two 250,000 increments. Moore County has also requested an additional 500,000 for future needs. In regards to the potable water the developer is in contract with Harnett County to buy 3 million gallons a day. In regards to when the wastewater treatment plant will be built is based on the 80-90 rule. There is currently a portion of the water and sewer agreement for 125,000 gallons per day for wastewater treatment, which Mr. Hobbs explained that when the applicant reaches 80% of the 125,000 gallon capacity we have to begin planning either for the construction or the pipeline for the Addor plant and when we meet 90% we must be under construction or we will be put on a moratorium and no further connections can be made. This will be monitored by Moore County Public Works. Mr. Hobbs further explained that the intent of the developer is to sell the property in which there is movement within the last several months.

Board Member Rich Smith asked if the regulations that are in place from the approved plan with NCDENR these stay in affect with the new plan and Mr. Hobbs stated yes the Board issues as they are related to water and sewer will be codified in the water and sewer agreement and will further contractually require the developer to do what the county interprets the board order requirements to be.

Board Member Eli Schilling asked if the agreement for the Pine Forest development that had testing requirements for Nicks creek will it continue without the wastewater treatment and in the new location. Mr. Hobbs confirmed the same testing protocol will be in place.

Board Member Rich Smith asked the new location has that been presented to NCDENR is there any reason could not go there.

Fred Hobbs stated it has not been presented to NCDENR and there is no reason it could not go there.

Board Member Smith asked for confirmation that the first phase is approximately 50% smaller than the original proposal.

Fred Hobbs stated yes the minimum is 250,000 gallons per day.

Chairman Mims asked for the Board anymore questions.

Planning Director Debra Ensminger stated the recommended motion as follows, we request the Board to make a motion to approve the amendments to the application and land development plan to the Pine Forest planned unit development and MHK ventures as identified in Moore County Tax records. Board Member Schilling made a motion and it was seconded by Board Member Garrison, the motion passed unanimously (8-0).

Board Member Rich Smith stated all members of the Planning Board live in Moore County and each member cannot operate on hearsay or how well an entity is doing or if someone has a right based on their success. He further stated we are bound by our own regulations and these changes will hopefully be for the better. The Board can only vote on the facts and we can promise we will be monitoring the construction and following the process through NCDENR.

Chairman Mims also stated that the Board appreciates everyone who came to the mean and voiced their opinion on the matter.

Chairman Mims closed public hearing #1

Chairman Mims opened public hearing #2

The applicant, Enerparc, Inc. is seeking a Conditional Use Permit to construct a commercial Solar Collector Facility on Yow Road in the Sheffield Township on a parcel (ParID 00013870) owned by Jennifer Hamrick as identified in the Moore County tax records. The parcel is approximately 44.75 acres.

Planner, Theresa Thompson presented background information provided in the Board packet staff report and supporting documents as well as the purpose of the request submitted by the applicant. Ms. Thompson stated the four findings of fact have been met

and this information is included in the staff report as well Ms. Thompson also requested that the following statement be added to the motion; “should the Zoning Administrator, Building Inspector, Environmental Health, NC DOT or Fire Marshall identify minor changes staff shall be authorized to make adjustments as necessary”. Ms Thompson concluded her presentation and asked for further questions.

Mr. Chad Brown asked if the rezoning will affect neighboring properties. The Planning Board confirmed his will remain the same. Mr. Brown further asked if there is a way there will not be a lot of solar farms and Chairman Mims stated each request will have to go through the application process.

Board Member Smith stated he is disappointed there is no one here to address questions regarding the buffer. Planner Ms. Thompson explained the location of the site and it very unlikely it will be seen from the road.

The Board held no further discussion.

Board Member Smith made a motion to endorse the Moore County Board of Commissioners to approve the Conditional Use Permit for the use of a Solar Collector Facility on the parcel known as ParID# 00013870 and should the Zoning Administrator, Building Inspector, Environmental Health, NCDOT or Fire Marshall identify minor changes staff shall be authorized to make adjustments as necessary. The motion was seconded by Board Member Horne and motion passed unanimously (8-0)

Chairman Mims closed public hearing #2

OTHER BOARD MATTERS

Board Member McLeod asked Mr. Thompson if Enerparc is part of a larger company and to let them know to have someone present if they have a future request.

PLANNING DEPARTMENT REPORTS

Planning Director stated that it was good to have a lot of the citizens present and we will not have a June meeting she further stated the next project will be revisions to the Unified Development Ordinance.

BOARD COMMENT PERIOD

Chairman Mims thanked the commissioners that are present and for Vice Chairman McNeill for leading the April 16th meeting.

ADJOURNMENT

With no further comments Chairman Mims adjourned the meeting.

Respectfully submitted by,

Lydia Cleveland
Administrative Officer II

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

1. General Provisions
2. Review Bodies and Officials
3. Zoning Districts
4. Dimensional Standards
5. Table of Uses
6. Specific Use Standards
7. Non-Residential Screening
8. Parking, Driveways, and Loading
9. Zoning & Sign Permits
10. Conditional Use Permits
11. Amendments
12. Conditional Zoning
13. Appeals and Variances
14. Vested Rights
15. Nonconforming Situations
16. Wireless Communications Facilities
17. Manufactured Home Parks
18. Planned Unit Developments
19. Highway Corridor Overlay District
20. Watershed Overlay District
21. Flood Damage Prevention
22. Enforcement and Penalties
23. Minor Subdivisions
24. Major Subdivisions
25. Definitions and Interpretations
26. Record of Amendments

ARTICLE 3

ZONING DISTRICTS

3.1 Zoning Districts Established

For the purposes of this Ordinance, the County of Moore is divided into the following classes of zones:

Residential and Conservation Districts	
RA	Rural Agricultural District
RA-20	Residential and Agricultural – 20 District
RA-40	Residential and Agricultural – 40 District
RA-2	Residential and Agricultural – 2 District
RA-5	Residential and Agricultural – 5 District
RA-USB	Rural Agricultural Urban Service Boundary District
RE	Rural Equestrian District
R-MH	Mobile Home District
GC-SL	Gated Community Seven Lakes District
GC-WL	Gated Community Woodlake District
PC	Public and Conservation District
Commercial and Industrial Districts	
B-1	Neighborhood Business District
B-2	Highway Commercial District
VB	Village Business District
I	Industrial District
Parallel Conditional Zoning Districts	
CZ	Conditional Zoning Districts
Planned Development Districts	
PUD-H	Planned Unit Development Hamlet
PUD-R	Planned Unit Development Rural
Overlay Districts	
HCOD	Highway Corridor Overlay Districts
PCTDA	Permitted Commercial Tower Development Area
WPO	Watershed Protection Overlay Districts

3.2 Rural Agricultural (RA) District

The Rural Agricultural District is designed to reflect the pattern of development in rural Moore County by preserving and protecting current uses and way of life while also protecting property rights.

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

These districts are established as districts in which the principal use of the land is for single family dwellings, duplexes and agricultural uses. In promoting the purposes of this Ordinance, the specific intent of these districts is to encourage the construction of and the continued use of the land for single family dwellings by prohibiting commercial and industrial use of land and other uses which would substantially interfere with the development of single family dwellings in these districts and discouraging any use which would generate traffic on minor streets other than normal traffic to serve residences on those streets.

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

These Residential and Agricultural Districts are established as districts in which the principal use of the land is for low-density residential and agricultural purposes. In promoting the purposes of this Ordinance, the specific intent of these districts is to insure that residential development not having access to public water supplies and dependent upon private means of sewage disposal, will occur at sufficiently low densities to insure a healthful environment by prohibiting commercial and industrial use of the land which would substantially interfere with the development or continuation of dwellings and agriculture and to discourage any use which would generate traffic on minor streets other than normal traffic to serve the residences and farms on those streets.

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

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

3.6 Rural Equestrian (RE) District

The Rural Equestrian District is created to acknowledge what has become known as "Horse Country," in Moore County.

3.7 Mobile Home (R-MH) District

The R-MH Mobile Home District is established to encourage and protect the use of manufactured homes and manufactured home parks. The District is designed to prohibit commercial and industrial use of land and to regulate other uses that would substantially

interfere with the development or continuation of manufactured homes and parks in the District.

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

The Gated Community Districts are created to reflect existing unincorporated Gated Communities. Primarily governed by restrictive covenants, District regulations are designed to reflect deeded covenant restrictions. Other environmental regulations (for example, Watershed Overlay Regulations) do apply within these communities and some business uses are allowed.

3.9 Public and Conservation (P-C) District

The P-C Public and Conservation District is established as a district in which the primary use of land is reserved for flood control, future thoroughfare rights-of-way, public recreation, community facility sites, forests and other similar open spaces which will encourage the continued use of land for conservation purposes.

3.10 Neighborhood Business (B-1) District

The Neighborhood Business District is established as a district in which the principal use of land is for commercial and service uses to serve the nearby, predominantly residential districts and rural areas of the County. It is also the intent to reduce traffic and parking congestion to a minimum in order to preserve residential values and promote the general welfare of the surrounding community. This district is intended to encourage the construction of and continued use of the land for neighborhood commercial and service purposes and to discourage uses that would substantially interfere with the development or continuation of the business structures in the district.

3.11 Highway Commercial (B-2) District

This district is established as a district in which the principal use of the land is for the retailing of both perishable and durable goods, provision of commercial services to adjacent urban areas, and the provision of services to travelers. It is intended that this district will be located throughout the County at areas considered to be commercial nodes. These nodes will occur where traffic and population densities are greatest and where highway business uses already exist.

3.12 Village Business (VB) District

The Village Business District is created to acknowledge the developed business area surrounding the Gated Community of Seven Lakes. Like businesses are encouraged within this area - no Highway Corridor Overlay landscape requirements are imposed although landscaping compatible with surrounding businesses properties will be required along existing NC Highways and encouraged within the District itself.

3.13 Industrial (I) District

The Industrial District is established as a district in which the principal use of land is for warehousing and mixes of industrial uses which will not consume water in amounts beyond the capabilities of existing water resources in the County. It is also the intention of this district to allow uses that will not generate health and safety hazards to County residents. In promoting the general purposes of this Ordinance, the specific intent of this district is to provide appropriate zoning districts for carrying out the basic long-term objectives of the comprehensive land use plan and to encourage the continued use of land for industrial purposes and discourage any other use that would substantially interfere with the continuance of permitted uses in this district.

3.14 Conditional Zoning Districts

Conditional Zoning Districts are established to provide for flexibility in the development of property while ensuring that the development is compatible with neighboring uses. Conditional zoning affords a degree of certainty in land use decisions not possible when rezoning to a general district. Additional standards and regulations may be attached to a proposed development to ensure compatibility with the surrounding uses and with applicable adopted plans.

3.14 Planned Unit Development – Hamlet (PUD-H) District

- (A) The Planned Unit Development–Hamlet (PUD-H) district is intended for mixed-use development in close proximity to existing municipalities where such development would complement these more urban areas and have better access to available infrastructure.
- (B) The minimum area required for a Planned Unit Development – Hamlet district is twenty five (25) contiguous acres. Parcels of land separated only by a public easement or right-of-way (road, utility,) shall be considered contiguous.
- (C) The project parcels must abut or have access to a major thoroughfare.

3.15 Planned Unit Development – Rural (PUD-R) District

- (A) Planned Unit Development–Rural (PUD-R) is intended for the more rural areas of the County. While a mixture of uses is permitted, development is less intense than development in a PUD-H due to distance from existing municipalities and available infrastructure.
- (B) The minimum area required for a Planned Unit Development – Rural district is fifty (50) contiguous acres. Parcels of land separated only by a public easement or right-of-way (road, utility, and railroad) shall be considered contiguous.

3.16 Rural Highway Corridor Overlay District

- (A) Rural Highway Corridor Overlay Districts are hereby established as districts which overlay the zoning in every district along and on either side of **U.S. 1 Highway** south from Pinebluff's ETJ to the Richmond County line, **U.S. 15/501 Highway** between

Pinehurst and Carthage (not including any municipal zoning jurisdiction, and not including the Urban Transition Highway Corridor Overlay District), and south from Aberdeen's ETJ to the Hoke County line (not including any municipal zoning jurisdiction), and from Carthage to the Lee County line (not including any municipal zoning jurisdiction), **N.C. 22 Highway** from the US 15-501 intersection at Carthage to Southern Pines (not including any municipal zoning jurisdiction), and **N.C. 211 Highway** from Pinehurst to Montgomery County line (not including any municipal zoning jurisdiction and the Seven Lakes Business District, and not including Urban/Village Highway Corridor Overlay District nor the Urban Transition Highway Corridor Overlay District). All uses with the exception of single family residential are subject to the standards as outlined in this Section.

- (B) Rural Highway Corridor Overlay Districts shall minimize commercial, industrial, office professional, and/or dense development patterns. These highways provide visual images of the natural character of the area as well as agriculture and rural land uses. Commercial, Industrial and Office Professional elements along these corridors shall be intermittent and clustering of these elements is encouraged at appropriate centralized locations.

3.17 Urban Transition Highway Corridor Overlay District

- (A) Urban Transition Highway Corridor Overlay Districts are hereby established as districts which overlay the zoning in every district along and on either side of **U.S. 1 Highway** (from the north side of the Southern Pines ETJ north to the Cameron's extraterritorial jurisdiction (not including any municipal zoning jurisdiction), **U.S. 15/501 Highway** between Pinehurst and Carthage (not including any municipal zoning jurisdiction and not including the Rural Highway Corridor Overlay District), and **N.C. 211 Highway** from Pinehurst to the Seven Lakes Business District (not including any municipal zoning jurisdiction and not including the Rural Highway Corridor Overlay District and the Urban/Village Highway Corridor Overlay District). All uses with the exception of single family residential are subject to the standards as outlined in this Section.
- (B) Urban Transition Highway Corridor Overlay Districts shall be developed with a balance of residential, recreational, commercial, industrial and office professional uses. These highway sections are best suited for providing a balance of naturalized and manmade conditions. The visual quality of these highway sections depends on quality site planning, landscaping and preservation of natural features.

3.18 Urban/Village Highway Corridor Overlay District

- (A) Urban Transition Highway Corridor Overlay Districts are hereby established as districts which overlay the zoning in every district along and on either side of **N.C. 211 Highway** from Pinehurst to the Seven Lakes Business District (not including any municipal zoning jurisdiction and outside the Rural Highway Corridor Overlay District and the Urban/Village Highway Corridor Overlay District). All uses with the

exception of single family residential are subject to the standards as outlined in this Section.

- (B) Urban/Village Highway Corridor Overlay Districts allow for denser land use patterns for commercial and residential development than either the Rural Highway Corridor or Urban Transition Highway Corridor Overlay Districts. However, the visual aspects of the development along these corridors shall be defined by an emphasis on landscape elements.

3.19 Permitted Commercial Tower Development Area (PCTDA)

- (A) The intent of the Permitted Commercial Tower Development Area Overlay is to enhance and guide current and future wireless telecommunications infrastructure needs of the County as well as to promote and maintain an aesthetically pleasing environment for the residents and visitors of Moore County.
- (B) The purpose of the Permitted Commercial Tower Development Areas (PCTDAs) is to provide areas for tower development needed to fill large voids in wireless telecommunications coverage.
- (C) Any new development in these areas shall conform to all Federal, State and local regulations.

3.20 Watershed Protection Overlay Districts

The intent of the Watershed Protection Overlay Districts is to apply a set of regulations involving land use and Best Management Practices (BMP's) that protect the watersheds by reducing the pollution from future development that enters the drinking water supplies. Land use management practices involve minimum lot sizes, maximum allowed density, and built-upon area restrictions, since built-upon areas such as roads, rooftops, and driveways are a major source of pollution.

3.22 District Boundaries Shown on Zoning Map

- (A) The boundaries of the districts are shown and made a part of the map accompanying this Ordinance, entitled "Zoning Map of Moore County North Carolina."
- (B) The Zoning Map and all the notations, references and amendments thereto, and other information shown thereon are hereby made part of this Ordinance the same as if such information set forth on the map were all fully described and set out herein.
- (C) The Zoning Map, properly attested, is posted at the County Planning Department in Carthage and is available for inspection by the public.

ARTICLE 4 DIMENSIONAL STANDARDS

4.1 Table of Area and Setbacks

Minimum Lot Size Requirements				Principal Structure Setbacks (Feet)				Accessory Structure Setbacks (Feet)			
Zoning District	Area	Lot Width (feet)	Lot Frontage (feet)	Front	Side	Side Corner	Rear	Front	Side	Side Corner	Rear
RA	1 acre	100	30	40	15	25	30	10	10	10	10
RA-20	20,000 sq. ft.	100	30	40	15	25	30	40	10	20	10
RA-40	40,000 sq. ft.	100	30	40	15	25	30	40	10	20	10
RA-2	2 acres	100	30	40	15	25	30	40	15	20	15
RA-5	5 acres	200	30	40	15	25	30	40	15	20	15
RA-USB	1 acre	100	30	40	15	25	30	10	10	10	10
RE	1 acre	100	30	40	15	25	30	40	10	20	10
R-MH	1 acre	100	30	10	15	25	30	40	10	15	10
GC-SL	NA	NA	NA	40	NA	NA	NA	10	10	10	10
GC-WL	NA	NA	NA	40	NA	NA	NA	10	10	10	10
P-C	5 acres	NA	30	40	15	25	30	40	10	20	10
B-1	10,000 sq. ft.	75	30	50	15	20	20	50	15	20	20
B-2	10,000 sq. ft.	75	30	50	<u>15</u>	25	25	50	15	20	20
VB	10,000 sq. ft.	<u>75</u>	<u>30</u>	NA	NA	NA	NA	NA	NA	NA	NA
I	1 acre	100	30	65	25	50	30	65	25	30	30

4.2 Height Limits

- (A) The maximum height of any structure is 40 feet in all zoning districts with the exception of the Industrial District. The maximum building height is fifty-six (56) feet in the Industrial District and the building height may be increased by one (1) foot for every five (5) extra foot increase in the front and side setback.
- (B) Church steeples, chimney, water tanks or towers, fire towers, flag poles, spires, monuments, cupolas, domes, antennas (except satellite dish antennas), silos, grain elevators, conveyors, and similar structures and necessary mechanical appurtenances may be erected to any height in accordance with any other ordinances (ie. Fire Code) of the County of Moore.
- (C) All structures and objects of natural growth that are fifty (50) feet or greater in height shall not be constructed or established on parcels located within Airport Zones as defined by the Ordinance to Limit Height of Objects Around Moore County Airport without an approved permit from the Moore County Airport Authority. An approved permit from the Moore County Airport does not in any way confer an exception to any of the provisions within this Ordinance.
- (D) A structure exceeding thirty-five (35) feet in height in all areas within one thousand feet of any aircraft landing field shall only be permitted by the Moore County Board of Adjustment, after a public hearing, that it does not constitute a menace to safety.
- (E) The County may not authorize the construction of any tall building or structure with a vertical height of more than 200' measured from the top of the foundation of the building, structure, or unit and to the uppermost point of the building, structure, or unit, in any area surrounding a major military installation, unless the County is in receipt of either a letter of endorsement issued by the Building Code Council or proof the Council's failure to act within the time allowed pursuant to NCGS 143-151.75.

4.4 Yard Modifications

- (A) Architectural features such as open or enclosed fire escapes, steps, outside stairways, balconies and similar features, and uncovered porches may not project more than four (4) feet into any required yard.
- (B) Sills, cornices, eaves, gutters, buttresses, ornamental features, and similar items may not project into any required yard more than thirty (30) inches.
- (C) The setback and yard requirements of this Ordinance shall not apply to fences and retaining walls.

ARTICLE 8

NON-RESIDENTIAL SCREENING

8.1 Applicability

Any new development or use listed in the Table of Uses (except agricultural, temporary uses, standard home occupations, non-intensive outdoor recreation, single family residential, and duplexes) shall install screening along the side and rear lot lines that abut any residentially zoned district.

8.2 Screening Types

Existing preservation can count toward landscaping requirements provided the spirit and intent of this Section is maintained at the discretion of the Zoning Administrator. Unless specified elsewhere in this Ordinance, the screening shall be one of the following:

- Type 1. A six (6) foot high attractive blind barrier (such as a masonry wall, block wall, basket weave chain link fence, or opaque wooden fence) with the finished side of fence facing the adjoining property.
- Type 2. A row of evergreen shrubs not placed more than four (4) feet apart, dependant on the expected mature width of the plant, which will grow to form a continuous hedge of at least six (6) feet in height within 2 years of planting. Low limbs are not to be trimmed from the planting higher than twenty-four (24) inches from the ground. Minimum shrub size shall be four (4) feet at the time of installation. Note: The height of shrubs may need to be more than four (4) feet at installation depending on the type of shrubs utilized.
- Type 3. A twenty (20) foot wide strip of plantings designed to simulate a wooded natural vegetative area. The planting will include a minimum of fifteen (15) trees, at least half evergreen, plus seven (7) shrubs per one hundred (100) linear feet of lot boundary prorated for less than 100 foot sections. The trees shall grow to a height of at least ten (10) feet within two (2) years and shall be a minimum height of 8 feet at the time of installation. The shrubs shall grow to a height of least six (6) feet in height within 2 years of planting and shall be a minimum three (3) feet at the time of installation. Note: The height of trees may need to be more than three (3) feet at installation depending on the type of shrubs utilized.

8.3 General Standards

- (A) The width of the screening shall be included as part of the required yard (or setback).

- (C) In the event that the unusual topography or elevation of a site that would negatively impact the property or make it physically impossible to install and maintain the required landscaping, the Zoning Administrator may alter the requirements of this Section provided the spirit and intent of this Section is maintained.
- (D) No landscaping materials shall be located or planted on any portion of a street right-of-way, utility or access easements.
- (E) Any irrigation system connected to the Moore County public water system shall require the installation of a double backflow prevention device.
- (F) On a corner lot in any district, no hedge, shrubbery, tree, natural growth, sign, fence, wall, or other obstruction shall be placed or maintained within the sight triangle.
- (G) All landscaping material shall be installed prior to the issuance of a Certificate of Occupancy. A written request to defer the installation of landscaping due to the installation of the plant material at the time would jeopardize the health of the plants may be approved for no longer than six (6) months on condition that the applicant provides the Zoning Administrator a bond in the form of a cashier's check, or similar bank check, payable to the County of Moore and valid for a minimum period of six (6) months. The security shall equal one and a half (1.5) times the entire cost of installing all required landscaping, based on a landscaper's bid.
- (H) The owner(s) of the property shall be responsible for the maintenance of all landscaping required under this Section. All dead or substandard materials shall be removed and replaced in conformance with the approved landscape or site plan within thirty (30) days unless an extension, not exceeding six (6) months is approved if the Zoning Administrator determines there is a hardship to the property.

8.4 Outside Storage

- (A) In the residential and commercial, and industrial districts any outside storage of governmental, commercial, and industrial inventory or equipment and in addition, any use which may represent a public hazard shall be within completely enclosed buildings or enclosed by a wall or fence (including entrance and exit gates) not less than six (6) feet in height.
- (B) In the GC-SL district, no storage or service of goods will be permitted outside of buildings that can be viewed from a street except temporary displays of sales and goods located in front of the business and are removed during closed business hours.

8.5 List of Recommended Native Species

The following list of non-invasive plants are best adapted to the region's climate and soil conditions and are known to better resist drought, freezing temperatures, and diseases. In addition to their benefit to wildlife species, the use of native plants greatly reduces the need for water, fertilizers, and pesticides:

Canopy Trees (evergreen options are in bold)

Longleaf pine (<i>Pinus palustris</i>)	Black gum (<i>Nyssa sylvatica</i>)
White oak (<i>Quercus alba</i>)	Red maple (<i>Acer rubrum</i>)
Scarlet oak (<i>Quercus coccinea</i>)	Pin oak (<i>Quercus palustris</i>)
Southern red oak (<i>Quercus falcata</i>)	Live oak (<i>Quercus virginiana</i>)
Sweetgum (<i>Liquidambar styraciflua</i>)	Mockernut hickory (<i>Carya glabra</i>)
Red cedar (<i>Juniperus virginiana</i>)	Pignut hickory (<i>Carya glabra</i>)

Midstory Trees (evergreen options are in bold)

American holly (<i>Ilex opaca</i>)	Sassafras (<i>Sassafras albidum</i>)
American persimmon (<i>Diospyros virginiana</i>)	Southern magnolia (<i>Magnolia grandiflora</i>)
Blackjack oak (<i>Quercus marilandica</i>)	Sourwood (<i>Oxydendrum arboreum</i>)
Flowering dogwood (<i>Cornus florida</i>)	Turkey oak (<i>Quercus laevis</i>)
Redbud (<i>Cercis canadensis</i>)	Yaupon holly (<i>Ilex vomitoria</i>)
Sand post oak (<i>Quercus margarettiae</i>)	

Shrubs (evergreen options are in bold)

Beautyberry (<i>Callicarpa americana</i>)	Sparkleberry (<i>Vaccinium arboreum</i>)
Dangleberry (<i>Gaylussacia frondosa</i>)	Waxmyrtle (<i>Myrica cerifera</i>)
Devilwood (<i>Osmanthus americanus</i>)	Wild azalea (<i>Rhododendron periclymenoides</i>)
Inkberry holly (<i>Ilex glabra</i>)	Wild rose (<i>Rosa carolina</i>)
Nestronia (<i>Nestronia umbellata</i>)	

8.6 List of Native Species Not Recommended

The following trees are native to the region but are typically found in wetlands, floodplains and bottomland forests. They will not flourish without frequent and constant irrigation:

Canopy Trees (none are evergreen)

Bald cypress (<i>Taxodium distichum</i>)	Tulip poplar (<i>Liriodendron tulipifera</i>)
River birch (<i>Betula nigra</i>)	Willow oak (<i>Quercus phellos</i>)
Shumard oak (<i>Quercus shumardi</i>)	

Midstory Trees (**evergreen option is in bold**)

Carolina silverbell (<i>Halesia carolina</i>)	Serviceberry (<i>Amelanchier canadensis</i>)
Fringetree (<i>Chionanthus virginicus</i>)	Sweetbay (<i>Magnolia virginiana</i>)

8.7 Invasive Species Discourage (or Prohibited)

The following list of non-native plants are discouraged (**or prohibited?**) due their negative effect on the ecosystem:

Asian bittersweet (<i>Celastrus orbiculatus</i>)	Japanese barberry (<i>Berberis thunbergii</i>)
Autumn olive (<i>Elaeagnus umbellata</i>)	Japanese honeysuckle (<i>Lonicera japonica</i>)
Azalea (<i>Azalea indica</i>)	Japanese privet (<i>Ligustrum japonicum</i>)
Bradford pear (<i>Pyrus calleryana</i>)	Japanese wisteria (<i>Wisteria floribunda</i>)
Burning bush (<i>Euonymus alata</i>)	Kudzu (<i>Pueraria montana</i>)
Camellia (<i>Camellia japonica</i>)	Leyland cypress (<i>Cupressus leylandii</i>)
Chinese privet (<i>Ligustrum sinense</i>)	Mimosa (<i>Albizia julibrissin</i>)
Chinese silver grass (<i>Miscanthus sinensis</i>)	Multiflora rose (<i>Rosa multiflora</i>)
Chinese wisteria (<i>Wisteria sinensis</i>)	Nandina (<i>Nandina domestica</i>)
Common periwinkle (<i>Vinca minor</i>)	Oregon grape (<i>Mahonia bealei</i>)
English ivy (<i>Hedera helix</i>)	Princess tree (<i>Paulownia tomentosa</i>)
Holly hybrid (<i>Ilex cassine</i>)	Tree of heaven (<i>Ailanthus altissima</i>)

ARTICLE 10

CONDITIONAL USE PERMITS

10.1 Applicability

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

10.2 Application Process

- (A) Submittal. Property may be considered for a conditional use permit only through the submission by the owner(s) of the property. The completed application shall be submitted at least thirty (30) days prior to the Planning Board meeting at which it is to be heard and shall include a site specific development plan prepared in accordance with Section 9.__(TBD)__ and proposed phasing, if any, and approximate completion time for the project. Upon completion of the technical review, the Zoning Administrator shall prepare and forward the staff report, site plan, and any related application materials to the Planning Board.
- (B) Planning Board. The Planning Board shall hold a legislative public hearing and shall review and make a recommendation based on the conclusions required for approval as listed in Section 10.2(C) and other matters as deemed appropriate by the Planning Board. In their review, they may suggest fair and reasonable conditions.
- (C) Board of Commissioners. The Board of Commissioners shall hold a quasi-judicial public hearing and may not approve a conditional use permit request unless it first reaches each of the following findings based on competent, substantial, and material evidence presented at the hearing:
 - 1. The use will not materially endanger the public health or safety;
 - 2. The use meets all required conditions and specifications;
 - 3. The use will not substantially injure the value of adjoining property unless the use is a public necessity;
 - 4. The use will be in harmony with the surrounding area and compatible with the surrounding neighborhood; and
 - 5. The use will be in general conformity with the approved Moore County Land Use Plan.

- (D) Additional Conditions. In approving an application, the Board of Commissioners may attach fair and reasonable conditions to the approval which assure that the required findings are upheld. Such conditions may include, but are not limited to, right-of-way or easement dedication, recreation or open space, buffer provisions, limitation in scale, intensity, hours of operation, and other reasonable restrictions.
- (E) Notification of Decision. The Zoning Administrator shall mail the formal written copy of the decision to the applicant. There may be no subsequent application for the same or similar use submitted by any party for any part of the subject property until twelve (12) months have elapsed from the date of denial.
- (F) Minor Changes. The Planning Director is authorized to approve minor deviations if such change is not contrary to the approving action of the Board of Commissioners. Such minor changes may include but not be limited to small site alterations such as realignment of streets and relocation of utility lines due to engineering necessity.
- (G) Expiration. The approved site specific development plan shall expire two (2) years from the date of approval. In order for vested rights to be established upon approval of the site specific development plan or phased development plan, the applicant must indicate, at the time of application, that a zoning vested right is being sought per Section 14.3.
- (H) Revocation. In the event of failure to comply with the plans or any other conditions imposed upon the Conditional Use Permit, the Zoning Administrator shall give the permit holder ten (10) days written notice of intent to revoke the permit and request the permit holder to contact staff to set a reasonable time for the violation to be corrected. If the permit is revoked and the conditional use has not ceased, the use is considered a violation of this Ordinance and subject to enforcement and penalties.
- (I) Appeal. No appeal may be taken from the action of the Board of Commissioners in granting or denying a Conditional Use Permit except through the Moore County Superior Court per Section 13.1(F).

10.3 Notice of Hearings

- (A) Mailed Notice. The Zoning Administrator shall notify by certified mail return receipt of the public hearings to the applicant(s), the owner of the parcel(s) of land as shown on the County tax records, and all property owners of adjacent properties (as the last addresses listed in the County tax records) at least ten (10) but not more than twenty-five (25) days prior to the date of each public hearing.
- (B) Published Notice. Notice of the public hearings shall be published in a newspaper of general circulation once a week for two (2) consecutive weeks prior to each public hearing.
- (C) Posted Notice. A sign shall be posted not less than ten (10) days prior to each public hearing. The sign shall be posted on the property or at a point visible from the nearest road(s).

ARTICLE 11

AMENDMENTS

11.1 Applicability

Text and zoning map amendments are intended to accommodate substantive changes that are consistent with the Moore County Land Use Plan and otherwise advance the public's health, safety, and general welfare. The Board of County Commissioners may, on its own motion, upon recommendation of the Planning Board, or upon petition by an interested person or parties, amend this Ordinance and zoning map.

11.2 Application Process

- (A) Submittal. The completed application shall be submitted at least thirty (30) days prior to the Planning Board meeting at which it is to be heard. Upon completion of the technical review, the Zoning Administrator shall prepare and forward the staff report any related application materials to the Planning Board.
- (B) Planning Board. The Planning Board shall hold a legislative public hearing and shall review and make a recommendation of approval or denial to the Board of Commissioners that addresses Land Use Plan consistency and other matters as deemed appropriate by the Planning Board.
- (C) Board of Commissioners. The Board of Commissioners shall hold a legislative public hearing and concurrently with adopting, denying, or remanding any amendment request, the Board of Commissioners shall adopt a statement describing whether its action is consistent with the County Land Use Plan and explain why the action taken to be reasonable and in the public interest.
- (D) Notification of Decision. The Zoning Administrator shall mail the formal written copy of the decision to the applicant and/or the property owners of the petitioned property. There may be no subsequent application for the same or similar use submitted by any party for any part of the subject property until twelve (12) months have elapsed from the date of denial. Exceptions to this limitation include requests originating from the Board of Commissioners, Planning Board, Board of Adjustment or County Administration.

11.3 Notice of Public Hearings

- (A) Mailed Notice. Whenever there is a rezoning request, the Zoning Administrator shall notify by certified mail return receipt of the public hearings to the applicant(s), the owner(s) of the parcel(s) of land shown on the County tax records, and all property owners of adjacent properties (as the last addresses listed in the County tax records)

at least ten (10) but not more than twenty-five (25) days prior to the date of each public hearing.

- (B) Published Notice. Notice of the public hearings for proposed text amendments and rezoning requests shall be published in a newspaper of general circulation once a week for two (2) consecutive weeks prior to each public hearing.
- (C) Posted Notice. A sign shall be posted on the property to be rezoned, adjacent to the road(s) or easement(s), not less than ten (10) days prior to each public hearing. When multiple parcels are included, a posting on each parcel is not required, but the County shall post sufficient notices to provide reasonable notice.
- (D) Fort Bragg Notification. Rezoning requests and text amendments that would change or affect the permitted uses of land located within five (5) miles or less from the perimeter boundary of a military base shall be forwarded to the Regional Land Use Advisory Commission for review (NCGS 153A-323B) not less than ten (10) days or more than twenty-five (25) days before the date fixed for the Planning Board public hearing. Staff shall forward RLUAC's analysis regarding the compatibility of the proposed changes with military operations at the base to the Planning Board and Board of Commissioners.
- (E) Fifty Or More Parcels. If the application will result in changes to the zoning map for fifty (50) parcels or more and owned by more than fifty (50) different property owners the mailed notice may be replaced by a published notice per Section 12.3(B). The published advertisement shall not be less than one half of a newspaper page in size. Property owners who reside outside of the newspaper circulation area, according to the address listed in the most recent tax listing for the affected property, shall be notified according to the provisions of Section 12.3(A).

ARTICLE 12

CONDITIONAL ZONING

12.1 Applicability

The review process established in this Article provides for the accommodation of uses, subject to additional conditions, which will ensure compatibility of the use with the use and enjoyment of neighboring properties. Uses which may be considered for a conditional zoning district are restricted to those uses “permitted” in the corresponding general zoning district. Following the approval of the petition for a conditional zoning district, the subject property shall be identified on the Zoning Map by the appropriate district designation by adding “CZ” to the corresponding general use district, such as “RA-CZ.”

12.2 Application Process

- (A) Submittal. A conditional zoning application shall be considered only upon request of the owner of the affected property or a duly authorized representative of the property owner. The completed application shall be submitted at least thirty (30) days prior to the Planning Board meeting at which it is to be heard and shall include the following:
1. A site plan prepared in accordance with Section 9._TBD_.
 2. A specification of the actual use(s) and any rules, regulations, or conditions for the proposed district that address the impacts expected to be generated by the development or use of the site.
 3. Proposed phasing, if any, and approximate completion time for the project.
 4. A statement analyzing the reasonableness of the proposed rezoning. The statement shall include, but not be limited to, the following:
 - a. The conditional zoning compatibility with the County Land Use Plan and other adopted plans of the County.
 - b. The conditional zoning compatibility with the existing land uses on adjacent and neighboring tracts.
 - c. The benefits and detriments of the conditional zoning for the subject property, neighboring properties and the surrounding community.
- (B) Community Meeting. Community meetings are opportunities for informal communication between applicants and the owners and occupants of nearby lands, and other residents who may be affected by the application and to provide the applicant an opportunity to hear comments and concerns about the application as a means of resolving conflicts, where possible. At least ten (10) days prior to the

Planning Board meeting, the applicant shall hold at least one community meeting. The Zoning Administrator shall assist by:

1. Notifying by certified return receipt mail to owners of each property petitioned for rezoning, owner of each abutting property, property within two hundred and fifty (250) feet of the petitioned property, and the Home Owners Association (if applicable) at least ten (10) days prior to the community meeting.
 2. Attend the community meeting(s) and draft a report including among other things, a listing of those persons and organizations contacted about the meeting, the date, time, and location of the meeting, a roster of the persons in attendance at the meeting, a copy of any materials presented at the meeting, a summary of issues discussed at the meeting, including changes suggested by the participants and a description of any changes to the rezoning petition made by the petitioner as a result of the meeting and submit to the Planning Board and Board of Commissioners for review.
- (C) Planning Board. The Planning Board shall hold a legislative public hearing and shall review and make a recommendation of approval or denial to the Board of Commissioners that addresses Land Use Plan consistency and other matters as deemed appropriate by the Planning Board.
- (D) Board of Commissioners. The Board of Commissioners shall hold a legislative public hearing and concurrently with adopting, denying, or remanding any amendment request, the Board of Commissioners shall adopt a statement describing whether its action is consistent with the County Land Use Plan and explain why the action taken to be reasonable and in the public interest. In approving a conditional zoning district, the Town Board may modify standards established in the UDO provided the spirit of the regulations are maintained.
- (E) Additional Conditions. Specific additional conditions applicable to the rezoning request may be proposed by the applicant, the Planning Board, or Board of Commissioners. Only those conditions mutually approved by the county and the applicant may be incorporated into the permit requirements. Conditions and site-specific standards shall be limited to those that address the conformance of development and use of the site to County ordinances and officially adopted plans and those that address the impacts reasonably expected to be generated by the development or use of the site.
- (F) Notification of Decision. The Zoning Administrator shall mail the formal written copy of the decision to the applicant and the property owners of the petitioned property. There may be no subsequent application for the same or similar use submitted by any party for any part of the subject property until twelve (12) months have elapsed from the date of denial.
- (G) Minor Changes. The Planning Director is authorized to approve minor deviations if such change is not contrary to the approving action of the Board of Commissioners.

Such minor changes may include but not be limited to small site alterations such as realignment of streets and relocation of utility lines due to engineering necessity.

- (H) Expiration. An approved Conditional Zoning District and all conditions attached are binding on the property. If for any reason any condition for approval is found to be illegal or invalid or if the applicant should fail to accept any condition following approval, the approval of the site plan for the district shall be null and void and of no effect and proceedings shall be instituted by the County to rezone the property to its previous zoning classification or to another zoning district.
- (I) Violation of the Terms and Conditions of a CZ District. A violation of the site plan or conditions of a rezoning to a conditional zoning district is considered a violation of this Ordinance and subject to the same enforcement and penalties.

12.3 Notice of Public Hearings

- (A) Mailed Notice. The Zoning Administrator shall notify by certified mail return receipt of the public hearings to the applicant(s), the owner(s) of the parcel(s) of land shown on the County tax records, and all property owners of adjacent properties (as the last addresses listed in the County tax records) at least ten (10) but not more than twenty-five (25) days prior to the date of each public hearing.
- (B) Published Notice. Notice of the public hearings shall be published in the newspaper of general circulation once a week for two (2) consecutive weeks prior to each public hearing.
- (C) Posted Notice. A sign shall be posted on the property to be rezoned, adjacent to the road(s) or easement(s), not less than ten (10) days prior to each public hearing. When multiple parcels are included, a posting on each parcel is not required, but the County shall post sufficient notices to provide reasonable notice.
- (D) Fort Bragg Notification. Rezoning requests located within five (5) miles or less from the perimeter boundary of a military base shall be forwarded to the Regional Land Use Advisory Commission for review (NCGS 153A-323B) not less than ten (10) days or more than twenty-five (25) days before the date fixed for the Planning Board public hearing. Staff shall forward RLUAC's analysis regarding the compatibility of the proposed changes with military operations at the base to the Planning Board and Board of Commissioners.

ARTICLE 13

APPEALS & VARIANCES

13.1 Appeals

- (A) Applicability. An appeal from any final order or formal determination of the Zoning Administrator may be taken to the Board of Adjustment by any person aggrieved.
- (B) Submittal. A notice of appeal of an administrative decision shall be considered filed when a complete application is delivered to the Clerk to the Board within thirty (30) days of receipt of the decision or order. Any other person with standing to appeal shall have thirty (30) days from receipt from any source of actual or constructive notice of the decision within which to file an appeal. The date and time of filing shall be entered on the notice.
- (C) Zoning Administrator. The Zoning Administrator shall transmit to the Board of Adjustment all the papers constituting the record upon which the appealed action was taken and provide a copy of the record to the appellant and to the owner of the property that is subject of the appeal if the appellant is not the owner. The Zoning Administrator who made a decision shall be present at the hearing as a witness.
- (D) Board of Adjustment. The Board of Adjustment shall hold a quasi-judicial public hearing and may reverse or affirm (wholly or partly) or may modify the appealed approval, requirement, decision, or determination and shall make any requirement, decision or determination that is deemed necessary. To this end, the Board of Adjustments shall have all the powers of the officer from whom the appeal is taken.
- (E) Stay Causing Peril to Life or Property. An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from, unless the administrative official from who the appeal is taken certifies to the Board of Adjustment that, because of facts stated in the affidavit, a stay would cause imminent peril to life or property or that because the violation is transitory in nature a stay would seriously interfere with the effective enforcement of this UDO. In that case, enforcement proceedings shall not be stayed except by restraining order which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the Board of Adjustment shall meet to hear the appeal within fifteen (15) days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with this Ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations the appellant may request and the Board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.

- (F) Notification of Decision. The Zoning Administrator shall mail the formal written copy of the decision to the applicant.

13.2 Variances

- (A) Applicability. The variance procedures authorize the Board of Adjustment to modify or vary regulations of the UDO when strict compliance with the regulation or standard would result in unnecessary hardships upon the subject property.
- (B) Submittal. The completed application shall be submitted to the Zoning Administrator and the Board of Adjustment shall fix a date for hearing the variance request, to be held within forty-five (45) days of the date a complete application was submitted, giving notice to the applicant by certified mail, and shall include a detailed site plan prepared by a licensed professional land surveyor, drawn to a scale in accordance with Section __TBD__.
- (C) Board of Adjustment. The Board of Adjustment shall hold a quasi-judicial public hearing. No variance shall be approved by the Board unless all of the following findings are made:
1. That unnecessary hardship would result from the strict application of the UDO. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
 2. That the hardship is due to the physical nature that is peculiar to the property, such as location, size, shape, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
 3. That the hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
 4. The requested variance is consistent with the spirit, purpose, and intent of the Ordinance, such that public safety is secured, and substantial justice is achieved.
- (D) Additional Conditions. No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties. If a variance for the construction, alteration, or use of property is granted, such construction, alteration or use shall be in accordance with the approved site plan.
- (E) Notification of Decision. The Zoning Administrator shall mail the formal written copy of the decision to the applicant of the petitioned property.

- (F) Expiration. All variances that are granted shall run with the property or structure for which the variance is being sought and not with the owner of the property or structure.
- (G) Violation or Invalidity of the Terms and Conditions of a CZ District. A violation of a variance or additional conditions of a variance is considered a violation of this Ordinance and subject to the same enforcement and penalties.

13.3 Notice of Public Hearings for Appeals and Variances

- (A) Mailed Notice. The Zoning Administrator shall notify by certified mail return receipt of the public hearings to the applicant(s), the owner(s) of the parcel(s) of land shown on the County tax records, and all property owners of adjacent properties (as the last addresses listed in the County tax records) at least ten (10) but not more than twenty-five (25) days prior to the date of each public hearing.
- (B) Published Notice. Notice of the public hearings shall be published in the newspaper of general circulation once a week for two (2) consecutive weeks prior to each public hearing.
- (C) Posted Notice. A sign shall be posted on the subject property, adjacent to the road(s) or easement(s), not less than ten (10) days prior to each public hearing.

13.4 Appeals to Court

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

ARTICLE 14

VESTED RIGHTS

14.1 Common Law

- (A) Applicability. A common law vested right established the right to undertake and complete the development and use of property on substantial expenditures in good faith reliance on a valid governmental approval. Such approvals include, but are not limited to zoning permits, sign permits, building permits, conditional use permits, certificates of zoning compliances, and preliminary plat approvals. A request for a determination of a common law vested right will be reviewed and acted upon by the Planning Director in accordance with the requirements and procedures set forth in this Article.
- (B) Application. The applicant shall provide satisfactory proof that each of the following standards are met, and is entitled to recognition of common law vested rights.
 - 1. The applicant has, prior to the adoption or amendment of an ordinance, made expenditures or incurred contractual obligations substantial in amount relating to the proposed development.
 - 2. The obligations and/or expenditures were incurred in good faith.
 - 3. The obligations and/or expenditures were made in reasonable reliance on and after the issuance of a valid governmental permit, if such permit is required; provided however, a mistakenly-issued governmental permit shall not give rise to a common law vested right.
 - 4. The amended or newly-adopted ordinance is a substantial detriment to the applicant.
- (C) Appeal. An appeal of the Planning Director's determination of the existence of a common law vested right may be taken to the Board of Adjustment pursuant to Article 13 and shall be heard in a quasi-judicial hearing.

14.2 Valid Building Permit

- (A) Applicability. The owner has a vested right only as long as the building permit remains valid and only for the work approved by the building permit.
- (B) Duration. The building permit shall expire six (6) months after issuance if work has not commenced. The building permit also expires after work commences if there is a twelve (12) month period of no work. Building permit may also be revoked for any substantial departure from the approved plans, failure to comply with any applicable local or state law (not just the building code and UDO), and any misrepresentations made in securing the permit. Building permits mistakenly issued may also be

revoked. If the building permit expires or is revoked, the vested right based on it is also lost.

14.3 Site Specific Development Plans & Phase Development Plans

- (A) Applicability. The ability of the applicant to obtain a vested right after County approval of a site specific development plan or a phased development plan presents an appropriate balance between private expectations and the public interest, while also protecting the public health, safety, and welfare. A statutory vested right is a right established pursuant to NCCGS 153A-344.1 to undertake and complete the development and use of a property under the term and conditions of an approved site specific development plan or phased development plan.
- (B) Vesting Established. Statutory vesting shall be deemed established with respect to any property on the same day upon the valid approval, or conditional approval, of a site specific development plan or a phased development plan, following notice and public hearing by the County.
- (C) Site Specific Development Plan. A site specific development plan includes any of the following plans or approvals: planned unit development, preliminary major subdivision plat, conditional use permit, or conditional zoning district. For preliminary subdivision plats, the Zoning Administrator will advertise and schedule a public hearing following the same procedure used for conditional use permits.
- (D) Phased Development Plan. A phased development plan includes any of the following plans or approvals for a phased development which shows the type and intensity of use for a specific parcel or parcels with a lesser degree of certainty than the plan determine by the county to be a site specific development plan.
- (E) Duration. The site specific development plan or phased development plan vested rights is valid for a minimum of two (2) years from the date of approval. The Board of Commissioners may authorize the approval for a period not exceeding five (5) years where warranted in light of all relevant circumstances including, but not limited to, the size and phasing of the development, economic cycles, and market conditions. The County may require the landowner to submit a site specific development plan for approval with respect to each phase or phases in order to obtain final approval to develop within the restrictions of the vested zoning classifications. The vesting shall not be extended by any amendments or modifications to a site specific development plan unless expressly provided by the County.
- (F) Termination. A vested right shall terminate:
 - 1. At the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed;
 - 2. With the written consent of the affected landowner;
 - 3. To the extent that the affected landowner receives compensation for all costs and losses;

4. Upon finding by the Board of Commissioners, by Ordinance after notice and a hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the approval authority of the site specific development plan.
5. Upon the enactment of a State or federal law or regulation that precludes development as contemplated in the site specific development plan; or,

Add anything for development agreements?

ARTICLE 15

NONCONFORMING SITUATIONS

15.1 Applicability

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

15.2 Continuation

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

15.3 Repairs and Maintenance

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

15.4 Expansion

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

15.5 Replacement

Nonconforming structures which are damaged by fire, explosion, flood, or other calamity may be reconstructed provided that the nature and degree of the nonconformity will not be changed or increased from that which existed prior to the damage or destruction. Nonconforming manufactured homes may be replaced within one year (365) days from the date of removal, provided that the new manufactured home does not increase the degree of the nonconformity.

A nonconforming sign shall not be replaced or changed; provided, however, the copy, content, or message of the sign may be changed so long as the shape or size of the sign is not altered.

15.6 Movement

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

15.7 Non-Conforming Lots of Record

Any legal lot of record, that does not conform to the current minimum lot size and minimum lot width, may be used as a building site with related accessory buildings, provided that setbacks for such lot of record are not reduced more than thirty (30) percent, as necessary. Additional or other forms of yard modification may be permitted with a variance granted by the Board of Adjustments in accordance with Article 13. Whenever two (2) or more contiguous vacant lots are in single ownership, and the lots individually or together have less area than minimum requirement for the zoning district, such lots may be combined to create one (1) lot in order to reduce the nonconformity.

ARTICLE 16

WIRELESS COMMUNICATIONS FACILITIES

16.1 Applicability

The Ordinance standards within this Article apply to commercial development activities associated with the installation, construction, or replacement of wireless communications facilities (WCF).

16.2 General Information for WCF Approval Process

All approvals are subject to the review processes outlined in the **Article 10**. Additionally, in accordance with the table in **§14.3.1 (Permitted Uses by Zoning District)**, the following approval process shall apply.

16.3 Applications for New WCF, Colocations

Any application submitted pursuant to this section shall be reviewed by County staff for completeness. If any required item fails to be submitted, the application shall be deemed incomplete. Within twenty (20) business days of receiving an application, staff shall advise the applicant in writing whether the application is considered complete. If the application is incomplete a list of the missing items or other deficiencies will be shared with the applicant.

16.4 Submittal Requirements for New WCF Towers

Complete applications for new freestanding and attached WCF, inclusive of one antenna array, shall include the following:

- (A) Proof of compliance with NCGS 143-151.75, specifically the endorsement from the State Construction Office or proof of the State Construction Office's failure to act within the time allowed;
- (B) For towers located within five (5) miles or less from the perimeter boundary of a military base, proof that the Conditional Use Permit application for a new tower was forwarded to the Regional Land Use Advisory Commission for review (NCGS 153A-323B) not less than ten (10) days or more than twenty-five (25) days before the date fixed for the Planning Board public hearing. RLUAC's analysis regarding the compatibility of the proposed changes with military operations at the base will be forwarded by staff to the Planning Board and Board of Commissioners.
- (C) Proof the applicant has authorization to act on the owner and developer's behalf inclusive of tower construction and co-location of antennas on the structure (if applicable.)

- (D) An affidavit executed by the applicant affirming the proposed tower meets all current state and national laws and regulations including, but not limited to, those administered by the State Historic Preservation Office, Federal Aviation Administration, Federal Communications Commission (including, but not limited to, emissions standards and radio frequency interference), US Fish & Wildlife Service, and compliance with the provisions of the National Environmental Policy Act.
- (E) A letter certifying that the proposed facility shall comply with all applicable federal regulations regarding interference protection and that the facility meets or exceeds current American National Standards Institute (ANSI) standards as adopted by the FCC.
- (F) A performance bond equal to a written estimate from a qualified tower removal contractor and copies of written estimates used to calculate the bond amount. Included in the estimate should be the cost of removing all equipment, cables, feed wires, cabinets, fencing and all structures installed in support of the facility's operation. Antenna removal is covered separately under the application for collocation. Also required is a certificate of general liability insurance in a minimum amount of \$1,000,000 covering liability arising from the construction of operation of the tower naming Moore County as certificate holder. Both documents must specifically identify which tower site is being bonded or insured using Moore County's site identification numbers (e.g. MOOR 001.)
- (G) Evidence of attempts to meet with, and inform, property owners within a ¼ mile of the proposed tower. Property owners within a ¼ mile must be provided an invitation to a community meeting as well as a description, in non-technical language, of the proposed project as well as a conceptual plan for the site. All such notices must be mailed at least ten (10) but not more than twenty-five (25) days prior to the meeting and the subject property must be posted during this same time frame. Applicants must submit a sign in sheet from the community meeting and a statement detailing the outreach methods used to contact property owners.
- (H) A list, in electronic format (Excel), of property owners adjacent to, and across the road from, the subject property. Also required is postage for two first class, return receipt requested mailings, one to announce the public hearing before the planning board and the second to announce the public hearing in front of the Board of Commissioners. The amount of this postage is to be included with the application.
- (I) Certification furnished by a Registered Professional Engineer licensed in the State of North Carolina, that the WCF has sufficient structural integrity to accommodate the required number of proposed collocations and specifying the design structural failure modes of the proposed facility (if applicable.)
- (J) Three sets of signed and sealed site plans on paper (24"x36") and one electronic copy in PDF depicting the following: zoning classification, minimum sized lot for the zoning classification, size of lot, fall zone radius, height of the tower (including

foundation but excluding lightning rods or lights required by FAA), elevations, fencing, access, lighting, and signage.

- (K) Check for application fee as published in the Planning Department's schedule of fees which shall include payment for public hearing mailings.

16.5 Submittal Requirements for WCF Co-Locations

- (A) Complete applications for new colocations (including replacement of existing antennas) shall include the following:
- (B) An affidavit sealed and executed by a radio engineer affirming the radio frequency emissions comply with all FCC standards & the radio frequency employed will not interfere with that used by other colocations or with public safety communications.
- (C) A letter certifying that the proposed facility shall comply with all applicable federal regulations regarding interference protection and that the facility meets or exceeds current American National Standards Institute (ANSI) standards as adopted by the FCC.
- (D) Certification furnished by a Registered Professional Engineer licensed in the State of North Carolina, that the WCF has sufficient structural integrity to accommodate the required number of existing and proposed colocations.
- (E) A performance bond equal to a written estimate from a qualified antenna removal contractor and copies of written estimates used to calculate the bond amount. Also required is a certificate of insurance naming Moore County as certificate holder. Both documents must specifically identify which array (by carrier) is being bonded or insured and identifying the tower site using Moore County's site identification numbers (e.g. MOOR 001.)
- (F) A complete list of all colocations currently existing on the tower including height and carrier. Height of applicant's intended array also to be submitted.
- (G) A copy of the fully executed lease agreement with the tower company.
- (H) Check for application fee as published in the Planning Department's schedule of fees.

16.6 Permitted Zoning Districts

Depending on the zoning district, new WCF may be permitted by right (P), require an application for a Conditional Use Permit (C) or not be permitted at all (N.)

Zoning District	Attached Concealed WCF	Attached Non-Concealed WCF	Freestanding Concealed WCF	Freestanding Non-Concealed WCF	Co-Located or Combined on Existing WCF	Antenna Element Replacement	Expansion Existing Antenna Array
RA	P	C	P	C	P	P	P
RA-2	P	C	P	N	P	P	P
RA-5	P	C	P	N	P	P	P
RA-20	P	C	P	N	P	P	P
RA-40	P	C	P	N	P	P	P
R-MH	P	C	P	N	P	P	P
P-C	P	C	P	N	P	P	P
RA-USB	P	C	P	C	P	P	P
RE	P	N	P	N	P	P	P
GC-SL	N	N	N	N	N	N	N
GC-WL	N	N	N	N	N	N	N
B-1	P	C	P	C	P	P	P
B-2	P	C	P	C	P	P	P
VB	N	N	N	N	N	N	N
I	P	C	P	C	P	P	P

16.7 General Standards

- (A) Equipment cabinets shall not be visible from public views. Cabinets may be provided within a building, behind a screen on a rooftop, or on the ground within the fenced-in and screened equipment compound.
- (B) Generators may not be used as a primary electrical power source. Generators may be used for temporary power prior to receipt of Certificate of Occupancy and not to

exceed thirty (30) days. If used for a temporary purpose then they must emit no more than 70db.

- (C) All equipment compounds shall be enclosed with a six (6) foot high vinyl coated (vinyl color to be black, brown, or green) chainlink fence with earthtone colored privacy slats, a brick or other masonry-type wall, or wooden stockade fence in all zoning districts except the Industrial (I) zoning district which shall be enclosed within a security fence consisting of chain-link with opaque stripping at least eight (8) feet in height topped with barbed wire. Fencing or wall shall be maintained in good condition at all times until all components within the fenced or walled area have been removed and properly abandoned.
- (D) Access to the WCF equipment compound shall be an all-weather surface at least 20 feet in width to allow for access by public safety.
- (E) WCF compounds must be addressed with the address displayed on a post at the intersection of the driveway and the road. Address numbers must be at least three (3) inches high with a night reflective surface.

16.8 Signage

- (A) Attaching commercial messages for off-site and on-site advertising is prohibited.
- (B) The only signage that is permitted upon a non-concealed antenna support structure equipment cabinet, or fence shall be informational, and for the purpose of identifying (1) the antenna support structure (such as ASR registration number); (2) the party responsible for the operation and maintenance of the facility; (3) its current address and telephone number; (4) security or safety signs; (5) property manager signs (if applicable); and (6) signage appropriate to warn the general public as to the use of the facility for radiofrequency transmissions.

16.9 Lighting

- (A) Lighting on WCFs, if required by the Federal Aviation Administration (FAA), shall meet the FAA minimum standards.
- (B) Any Strobe 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, and shall utilize allowed downward shielding to minimize visual impact to pedestrians and reduce the potential attraction to migratory birds.
- (C) Dual lighting standards shall be used in the following manner.
- (D) Strobe lights during daylight hours and red lights during nighttime hours unless specifically prohibited by the FAA.
- (E) A WCF may utilize a security light controlled by a motion-detector sensor at or near the entrance to the facility.

- (F) Lighting used to respectfully illuminate the American flag on a concealed WCF flagpole shall be permitted provided that the maximum lumen output is 1300 lumens.

16.10 Equipment compound

- (A) The equipment compound shall not be used for the storage of any equipment or materials not needed for the operation or hazardous waste (e.g., discarded batteries).
- (B) No outdoor storage yards shall be allowed in a WCF equipment compound. In addition, the equipment compound shall not be used as habitable space.

16.11 Abandonment

- (A) WCFs and the equipment compound shall be removed, at the owner's expense, within ninety (90) days of cessation of use, unless the abandonment is associated with a replacement antenna structure as provided in §14.9 (Antenna Element Replacement and Expansion), in which case the removal shall occur within one hundred eighty (180) days of cessation of use.
- (B) An owner wishing to extend the time for removal or reactivation shall submit an application stating the reason for such extension. The County may extend the time for removal or reactivation up to ninety (90) additional days upon a showing of good cause. If the antenna support structure or antenna is not removed in a timely fashion, the County may give notice that it will contract for removal within sixty (60) days following written notice to the owner. Thereafter, the County may cause removal of the antenna support structure with costs being borne by the current WCF or land owner.
- (C) Upon removal of the WCF, the equipment compound and at ground foundations including two feet below ground level, the development area shall be returned to its natural state and topography and vegetation shall be consistent with the natural surroundings or consistent with the current use of the land at the time of removal. The cost of rehabilitation shall be borne by the current WCF or land owner.

ARTICLE 22

ENFORCEMENT & PENALTIES

22.1 Applicability

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

22.2 Enforcement Procedures

- (A) Investigation. Upon receipt of a written or verbal complaint, the Zoning Administrator must investigate the complaint and determine whether a violation exists within ten (10) days. The Zoning Administrator shall proactively enforce any violation existing after a permit approved by a Board has been revoked.
- (B) Courtesy Letter. When a violation is discovered the Zoning Administrator shall send an informal letter, by first class mail and certified mail return receipt request, to the person(s) responsible for any violation, detailing the nature of the violation(s) and the actions necessary to correct the violation. If the certified notice is returned, refused, or unclaimed, then the first-class mail to the same address is deemed proper notice. Failure to remedy the situation voluntarily within thirty (30) days, unless an extension is given, will result in a formal notice of violation.
- (C) Violation Letter. A formal notice of violation shall be sent by first class mail and certified mail return receipt request, to the person(s) responsible for any violation, detailing the nature of the violation(s) and the actions necessary to correct the violation. If the certified notice is returned, refused, or unclaimed, then the first-class mail to the same address is deemed proper notice. The violation letter shall state that all violations must be corrected within ten (10) days of issuance of the violation letter. This letter shall also include possible penalties and/or legal actions, deadlines for appeal, and method of appeal. If the violation has not been corrected, and no appeal has been made to the Board of Adjustment within ten (10) days of the date of the letter, the Zoning Administrator shall pursue enforcement and penalties as outlined below.

22.3 Enforcement and Penalties

Moore County may utilize one or more of the following remedies and penalties to correct or abate a violation of this ordinance:

- (A) Civil Penalty. The Zoning Administrator imposes a civil penalty by giving the violator a written citation, either in person or by certified mail return receipt request. The citation must describe the violation, specify the amount of the civil penalty being imposed, and direct the violator to pay the civil penalty to the county within ten (10) days of the date the citation is received or presumed to have been received. Violations of this ordinance subject the violator to a civil penalty in the amount of one hundred dollars (\$100) per day. Each day's continued violation is a separate and distinct offense. If the penalty is not paid timely, the County may recover the civil penalties through legal action. In addition, the County may place of a lien on the property subject to the penalty.
- (B) Criminal Penalty. Violation of this ordinance is punishable as set forth in NCGS 153A-123, 153A-334, and 14-4.
- (C) Injunction and Abatement. Moore County may apply to any court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. Pursuant to NCGS 153A-123 if the violator fails to comply with a court order and the county has to abate the violation, then the county shall have a lien on the property on which the violation occurred to cover the county's cost of the abatement.
- (D) Forfeiture and Confiscation of Signs. The Zoning Administrator may remove and dispose of any sign placed on public property or within any right-of-way of any public or private street. In addition to other remedies and penalties of this section, the county has the right to recover from the sign owner, or person who placed the sign, the full costs of sign removal and disposal.
- (E) Other Equitable Relief. In addition to the above remedies and penalties, Moore County may institute any other appropriate equitable action or proceeding in a court of competent jurisdiction to prevent, correct, or abate a violation of this ordinance.
- (F) Permit Denial. If a violation of this ordinance remains uncorrected, the Zoning Administrator may deny or withhold approval of any permit provided for in this ordinance that is sought for the property on which the violation exists.
- (G) Permit Revocation. The Zoning Administrator may revoke any permit issued under this ordinance for failure to comply with the provision of this ordinance or the terms and conditions of a permit. Before a permit is revoked, the Zoning Administrator shall give the permit recipient ten (10) days notice of the alleged reasons for the revocation and of his/her right to obtain an informal hearing on the allegations. If the permit is revoked, the Zoning Administrator shall provide to the permittee a written statement of the decision and the reasons therefore.

22.4 Repeat Violations

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

22.5 Appeal

A violator who has received a notice of violation may appeal the determination that a violation has occurred to the Board of Adjustment by making a written request as described in Article 13. Citations that follow the original notice of violation may not be appealed to the Board of Adjustment. If there is no appeal, the determination of the Zoning Administrator is final.