

ATTACHMENT A

Sec. 11 Subdivision Standards

Sec. 11.1 Purpose

The purpose of this section shall be to establish procedures and standards for the subdivision of land within the jurisdiction of the Town of Cameron, and to provide for orderly growth in a manner and under conditions that facilitate the adequate provision of streets, water, sewage disposal, and other considerations essential to public health, safety, and the general welfare.

Sec. 11.2 Plats shall be required on any subdivision of land

Plats shall be prepared, approved, and recorded pursuant to the provisions of this ordinance whenever any subdivision of land takes place.

Four types of Subdivisions:

1. Exempt
2. Minor
3. Minor,
Expedited
Review
4. Major

Sec. 11.3 Exemptions to Subdivision Regulations

- A. Applicability. The following activities are not subject to the subdivision regulations of this Ordinance:
1. Combination / Recombination. The combination or recombination of portions of lots if the total number of lots is not increased and the resultant lots are equal to or exceed zoning requirements.
 2. Divisions Greater Than 10 Acres. The division of land into parcels greater than 10 acres, measured from the property lines, if no street right-of-way public dedication is involved (not including private streets or access easements to lot owners or a homeowner's association.).
 3. Public Acquisitions / Right-of-Way. The public acquisition by purchase of strips of land for widening or opening street rights-of-way or for public transportation system corridors.
 4. Two into Three Lots. The division of a tract in single ownership the entire area of which is no greater than 2 acres into not more than 3 lots, if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed zoning requirements,

including but not limited to, minimum lot dimensional standards, as detailed in this Ordinance. *(Note: "Single ownership" refers to all of the contiguous land owned by the qualifying owner does not exceed two acres.)*

5. Estate Exclusion. The division of land among heirs in order to settle an estate by a probated will or by order of a court of jurisdiction in the settlement of a decedent's estate or in accordance with interstate succession under Chapter 29 of the General Statutes. *(Note: Unless such lots meet the standards of this Ordinance, a zoning permit shall not be issued for new buildings.)* A copy of the will or order shall be submitted to the Zoning Official.
 6. Court Ordered Survey. The division of land pursuant to an Order of the General Court of Justice. A copy of the court order shall be submitted to the Zoning Official.
 7. Easement Plats. Access and utility easements may be platted and recorded as exemptions from subdivision regulations. Access easements shall be a minimum 20 feet in width pursuant to the NC Fire Code.
 8. Non-occupied Facilities. (Examples: Utility substations, septic tank lot when authorized by Moore County Environmental Health, family cemetery lots, dock access.) Individual lots are exempt from the minimum dimensional standards. All lots must be accessible by road, by easement or from the adjacent lot with which it is associated.
- B. Exempt Plat Submittal Requirements. The exempt plat shall be submitted in conformance with: (1) all applicable requirements zoning requirements, including but not limited to the minimum lot dimensional standards of the underlying zoning district, (2) NCGS 47-30, including but not limited to the applicable information required in Section 100.65-13 and (3) applicable statements required in Section 100.65-16
- C. Action by the Zoning Official. The Zoning Official shall render a decision within 14 working days after receipt of the completed plat and associated documents. If the subdivision is disapproved, the Zoning Official shall promptly furnish the applicant with a written statement of the reasons for disapproval.
- D. Expiration of Plat Approval. Approval of an Exempt Subdivision plat is contingent upon the plat being recorded within 60 days after the date the plat was signed by the Zoning Official. Failure to record the approved plat within the 60-day period shall render the plat null and void.
- E. Appeal. Final action on an Exempt Subdivision plat by the Zoning Official may be appealed to the Board of Adjustment.

Sec. 11.4 Minor Subdivisions

- A. Applicability. A Minor Subdivision is a subdivision that:
1. Creates a maximum of 4 lots, including the residual or parent lot, and/or any property within 1,500 feet from the original property boundaries, for a period of 5 years;

2. Does not require any new public or private street right-of-way to be constructed, expanded, or dedicated;
 3. Fronts an existing, approved public or private street right-of-way;
 4. Does not require a variance or waiver from any of the requirements of this Development Ordinance; and
 5. The lots are not subdivided off of an easement.
- B. **Flag Lots.** A flag lot is a lot that in its shape resembles a flag on a pole, where the flag part is the main body of the lot and the pole part is the narrow portion of the lot that provides access from the street. The pole portion of the lot is not used to calculate area, width, depth, and setbacks of the lot or to provide off-street parking. A flag lot shall serve only one single-family dwelling and its uninhabited accessory structures. Flag lots shall only be approved when particular extenuating circumstances make traditional lot design and minimum road frontage infeasible. There shall be no more than one flag lot within 1000 feet of another flag lot and only one flag lot may be created from a parent tract within a 3-year period. The maximum pole length shall not exceed 400 feet. The minimum pole width on an approved public or private street shall be 25 feet. No re-subdivision of a flag lot shall be permitted unless access to the proposed new lot(s) can be provided from an approved street.
- C. **Minor Plat Submittal Requirements.** The plat shall be submitted in conformance with (1) all applicable zoning and subdivision requirements, (2) does not require the extension of a public water or sewer line other than laterals, (3) easements shall be 50 feet from intermittent streams and 100 feet from perennial streams, (4) the requirements of NCGS 47-30, including but not limited to the applicable information required in Section 100.65-13 shall be met, and (4) includes applicable statements required in Section 100.65-16.
- D. **Expedited Review.** The Zoning Official shall render a decision within 5 working days after receipt of the completed plat for the division of a tract or parcel of land in single ownership if all of the following criteria are met:
1. The tract or parcel to be divided is not exempted under Section 100.65-3
 2. No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division;
 3. The entire area of the tract or parcel to be divided is greater than 5 acres;
 4. After division, no more than three lots result from the division; and
 5. All resultant lots comply with all of the following: Any zoning lot dimension size requirements, the use of the lots is in conformity with the applicable zoning requirements, and the lots meet the road frontage requirements for minor subdivisions.
- E. For minor subdivisions that do not qualify for expedited review, the preliminary plat shall be submitted to the Planning Board for review and consideration 21 days prior to the Planning Board's next regularly scheduled meeting. If the subdivision is disapproved, the Zoning Official shall promptly furnish the applicant with a written statement of the reasons for disapproval.

- F. Expiration of Plat Approval. Approval of a Minor Subdivision plat is contingent upon the plat being recorded within 60 days after the date the plat is signed by the Zoning Official. Failure to record the approved plat and all associated documents within the 60-day period shall render the plat null and void.
- G. Appeal. Final action on a Minor Subdivision plat by the Planning Board may be appealed to the Board of Adjustment.

Sec. 11.5 Major Subdivisions - Preliminary Plat Submittal and Review

- A. Applicability. All subdivisions shall be considered major subdivisions except those defined as exempt or minor subdivisions. This includes condominium and town home developments. Major subdivisions are further classified as a division of a lot of land into 5 or more lots of land at initial time of division or accumulative over a period of 5 years or the creation, change, or expansion of new or existing private or public streets.
- B. Subdivision Review Approval Steps. All major subdivisions require approval through conditional zoning in addition to the following review.
 1. Project meeting with sketch plan.
 2. Preliminary Plat Submittal and Approval to Planning Board and Board of Commissioners.
 3. Construction Plan Submittal and Approval (or Improvement Guarantees approved in accordance with the requirements of this section).
 4. Installation and Inspections of Improvements.
 5. As-Built Drawings Submittal and Approval.
 6. Final Plat Approval by staff.
- C. Sketch Plan. Requirements for Applicant.

Prior to submission of a preliminary plat, the subdivider shall submit to the Zoning Officer two (2) copies of a sketch plan of the proposed subdivision containing the following information:

1. A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads, and waterways;
2. The boundaries of the tract and the portion of the tract to be subdivided;
3. The total acreage to be subdivided;
4. The existing and proposed use of the land within the subdivision and the existing uses of land adjoining it;
5. The existing street layout and right of way width;
6. Proposed lot layout and size of lots;
7. The name, address, and telephone number of the owner;
8. The name, if any, of the proposed subdivision;
9. Streets and lots of adjacent developed or platted properties;

10. The zoning classification of the tract and of adjacent properties;
11. A statement from a North Carolina licensed soil scientist or the Moore County health department that state the suitability of the soils on the lot to support subsurface waste disposal, if a septic tank system or other on-site water or wastewater system is to be used in the subdivision.

Staff shall schedule a site visit with the applicant prior to meeting with the Planning Board for review of the plat.

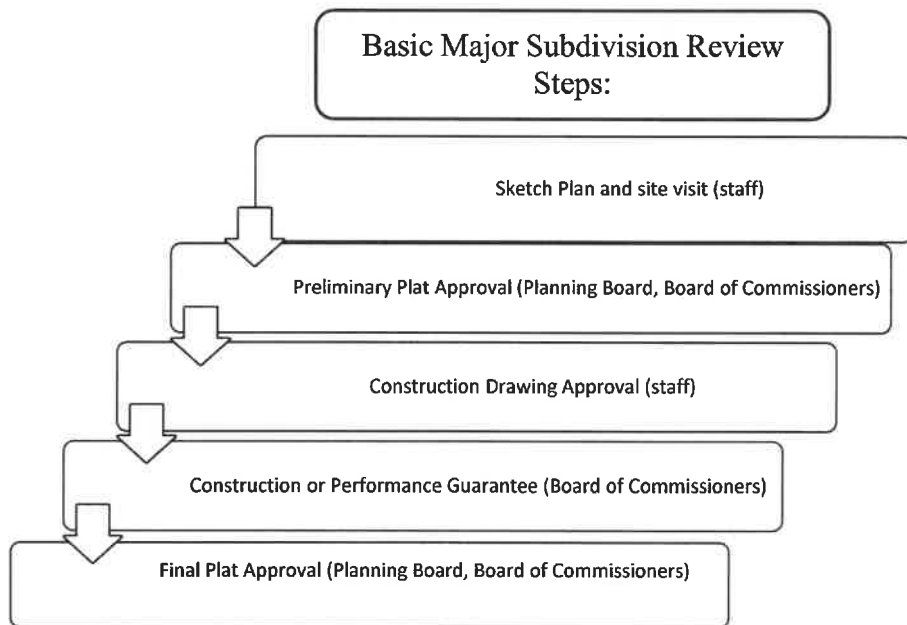
- D. Preliminary Plat Submittal. Two printed copies of the preliminary plat shall be submitted to the Zoning Official before the item may be scheduled for Planning Board review to ensure that any deficiencies are addressed. One copy with any noted deficiencies will be returned to the applicant. After all corrections are made, the Preliminary Plat must be received at least 21 days prior to the Planning Board meeting at which it will be considered. Preliminary plats shall meet the specifications in this section and shall (1) be submitted as a conventional subdivision, part of Conditional Zoning, or as a watershed cluster development, (2) meet all applicable zoning and subdivision requirements, (3) comply with NCGS 47-30, including but not limited to the applicable information required in Section 11-13, and (4) include applicable certificates required in Section 11-16. Plats submitted as part of Conditional Zoning will comply with the district standards approved as part of the zoning process.
- E. Preliminary Soil Evaluation Report. For major subdivisions requiring the use of septic systems, the developer shall provide a report from a licensed Soil Scientist who shall perform a soil assessment prior to approval of the preliminary subdivision plat. The report from the Soil Scientist shall accompany the submittal of the preliminary plat and shall be in the form of a letter, signed and dated, and shall include the possibilities of lot sizes the site can support.
- F. Action by the Zoning Official. The Zoning Official shall review the preliminary plat and within 10 days provide comments to the applicant. Plats shall not be forwarded to the Planning Board for review and approval until all deficiencies have been addressed or input from the Planning Board is needed before moving the project to the Board of Commissioners.
- G. Agency Review. Before the preliminary plat is approved, the Zoning Official shall consult with other departments and agencies, depending on the needs of the project, to ensure conformance of the proposed subdivision with the various development standards set forth by county and state agencies, which may include but are not limited to:
 1. Superintendent of Schools and/or Board of Education (for issues regarding school site reservation)
 2. North Carolina Department of Environmental Quality
 3. Army Corp of Engineers
 4. North Carolina Department of Transportation (for encroachment agreements and traffic impact analysis)

5. Moore County Department of Environmental Health
6. Moore County Department of Public Works
7. Moore County Fire Marshall
8. Moore County GIS for addressing

To expedite the review process, the applicant is encouraged to contact the relevant agencies and provide information as received from them regarding project design to the town.

- H. Action by the Planning Board. The applicant shall submit an electronic version in .pdf format that is visible when printed at tabloid scale. If more than one sheet is necessary to be visible at that scale, the applicant shall submit a cover sheet showing the overall project and additional sheets to provide detail. The applicant is encouraged to mount and bring a 24" x 36" printed board to the meeting. The Planning Board shall review the preliminary plat and shall recommend approval, conditional approval with modifications to bring the plat into compliance, or disapproval of the plat to the Board of Commissioners. The applicant may adjust the preliminary plat to address the concerns of the Planning Board prior to submittal to the Board of Commissioners.
- I. Action by the Board of Commissioners. The applicant shall provide 2 copies of the preliminary plat upon which to record the Commissioners' final action. The Board of Commissioners shall review the preliminary plat and shall approve, approve conditionally with modifications to bring the plat into compliance, or disapprove the plat.
- J. Approval. If approval is granted, written confirmation shall be made on two copies of the preliminary plat. One copy of the approved preliminary plat shall be returned to the applicant. Approval of the preliminary plat is authorization for the applicant to proceed with submittal of construction drawings followed by construction of the necessary improvements.
- K. Conditional Approval. If the Board of Commissioners approves the preliminary plat with conditions, the conditions shall be noted on the plat. Unless approved as part of a conditional zoning decision, the conditions shall only be for the purpose of bringing the plat into compliance with Development Ordinance regulations.
- L. Denial. If the Board of Commissioners disapproves the preliminary plat, the reasons for such action shall be stated in writing and reference shall be made to the specific regulations with which the preliminary plat does not comply. Possible modifications may be indicated for further consideration. The applicant may make the recommended revisions and submit a revised preliminary plat.
- M. Expiration. Preliminary plat approval shall be valid for a period of two years from the date of approval of the plat by the Board of Commissioners unless an extension of time is applied for and granted by the Board. Each successive final plat for a phase of the subdivision shall be submitted for approval within two years of the date of approval of the previous final plat for a phase of the subdivision. Failure to do so shall result in resubmittal of the preliminary plat for compliance with current regulations.

N. Appeal. Final action on a Major Subdivision plat by the Board of Commissioners is to Superior Court in accordance with G.S. 160D-403(b).



Sec. 11.6 Major Subdivisions – Minimum Design Standards as Shown on Preliminary Plat

- A. Conformity to existing maps or plans. The plat shall conform to any official map or plan adopted by the Board of Commissioners including but not limited to the Comprehensive Plan, and the Comprehensive Transportation Plan.
- B. Topography. The general design shall take advantage of and be adjusted to the contour of the land so as to produce usable building sites and streets of reasonable gradients. Steep slopes (15% or greater) shall be labeled on the preliminary plat. The applicant shall reflect any road grades to intersection that meet or exceed 8%.
- C. Suitability of Land.
 - 1. Land which has been determined by the Board of Commissioners on the basis of engineering or other expert surveys or studies to pose an ascertainable danger to life or property by reason of its unsuitability for the use proposed, shall not be platted for that purpose, unless and until the applicant has taken the necessary measures to correct said conditions and to eliminate said dangers. Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the Moore County Department of Environmental Health or a qualified licensed professional determine that the land is suitable for the purpose proposed.
 - 2. The Town may use the Green Growth Tool Box as adopted by the NC Wildlife Resource Commission to identify if unacceptable impacts to the natural environment could occur.

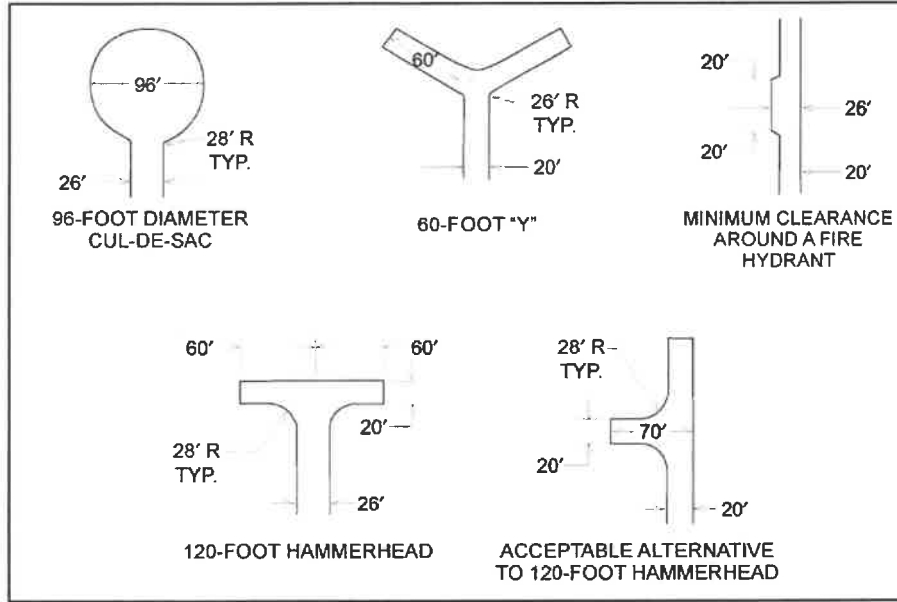
Applicants are encouraged to familiarize themselves with this tool. Unacceptable impacts include but are not limited to:

- a) Unmitigated loss of habitat for critical or endangered species,
- b) Unmitigated wetland impacts,
- c) Impacts to streams, creeks or rivers, or
- d) Inclusion of wetlands and floodplains within building envelopes as verified by a jurisdictional wetland line and/or floodplain boundary.

- D. **Street Design Standards.** All streets and related components, including but not limited to storm water controls, drainage, curb and gutter, wheelchair ramps, pavement designs, traffic controls, guardrail, road intersections, islands or short medians at entrances, name markers, and minimum design criteria, shall be designed, constructed, and paved in accordance with the most current edition of NCDOT's "Subdivision Roads Minimum Construction Standards." Streets shall be designated on the plat as "public" or "private." Deviations from the manual must be approved by the Board of Commissioners with input from the Director of Public Works and consistent with the adopted Design Manual and Specifications for Subdivision Development attached and incorporated herein to this document. Right-of-way width for subdivisions with lots less than 20,000 square feet in size shall be 60' to provide for on-street parking. This requirement may only be waived by the Board of Commissioners upon demonstration of adequate off-street parking.
- E. **Curb and Gutter.** Concrete curb and gutter are required in any subdivision with lot sizes of 10,000 square feet or less. Curb and gutter installation shall conform to the Design Manual and Specifications for Subdivision Development and the NCDOT Subdivision Roads Minimum Construction Standards unless otherwise specified herein. Subdivisions with lot sizes 20,000 square feet or greater may install rolled asphalt curb and gutter. In rural designations greater than one mile from the primary corporate limits of Cameron, curb and gutter is not required for subdivisions with lots 20,000 square feet or greater. However, a drainage study shall be prepared and roadside swales shall be installed.
- F. **Marginal Access Streets.** Where a tract of land to be subdivided adjoins an arterial street, the subdivider shall provide a marginal access street parallel or adjacent to the arterial street for the lots to be developed adjacent to the arterial. Where reverse frontage is established, private driveways shall be prevented from having direct access to the principal arterial. A maximum of 5 lots may front an arterial street as approved by the Board, on a case-by-case basis.
- G. **NCDOT approval.** If any street proposes to access a state-maintained road, the subdivider shall receive NCDOT driveway approval as required by NCDOT's "Policy on Street and Driveway Access to North Carolina Highways" prior to construction and/or final plat approval. NCDOT may require a traffic impact study. The required Homeowner's Association (HOA) documents and by-laws, to be recorded at the same time as the final plat, shall include the following: The HOA shall be responsible for the maintenance of all streets until the streets are accepted into the State Highway System. Private streets are

allowed, but they must be built to NCDOT standards. The required Homeowner's Association (HOA) documents and by-laws, to be recorded at the same time as the final plat, shall include the following: The HOA shall be responsible for the maintenance of all streets. HOA requirements shall be consistent with 100.65-7D.2.

- H. Street Names. All roads shall comply with the applicable provisions of the Addressing Ordinance.
- I. Street Name and Traffic Control Signs. The applicant shall be required to provide and erect, at the developer's expense, street name signs and traffic control signs per the NCDOT Manual on Uniform Traffic Control Devices at all intersections within the subdivision prior to final plat approval.
- J. Sidewalks. Five (5) foot sidewalks shall be provided. Conditional zoning should not be used to avoid the installation of sidewalks.
 - 1. Concrete sidewalks shall be provided on both sides of the road in nonresidential subdivision project areas.
 - 2. Residential subdivisions with lots sizes 10,000 square feet or greater shall provide sidewalks on one side of the road. Sidewalks are not required on cul-de-sac roads 500 feet or less in length unless the sidewalk is proposed to connect to a recreation facility or trail. The objective in these subdivisions is to create a linear walking system that connects or eventually will connect to the town's pedestrian network.
 - 3. Residential subdivisions with lot sizes less than 10,000 square feet in size shall provide sidewalks on both sides of the road. Sidewalks are not required on cul-de-sac roads 500 square feet or less unless the sidewalk is proposed to connect to a recreation facility or trail. The objective in these subdivisions is to create a linear walking system that connects or eventually will connect to the town's pedestrian network.
 - 4. The Board of Commissioners may authorize the use of mulched or asphalt pedestrian facilities where: 1) the development provides outstanding recreational opportunities that offset the need for a concrete pedestrian facility, or 2) the setting for the development is extremely rural and is not within 1 mile of the primary corporate town limits and 3) a maintenance entity is created to maintain the facility and the resulting restrictive covenants are reviewed by the Town.
 - 5. Sidewalks are deemed recreational in purpose. Payment-in-lieu for sidewalks is encouraged to integrate sidewalks promoting walkability throughout the town.
- K. Dead-End Streets. Dead-end roads shall be terminated in a cul-de-sac or "T" turnaround per the NC Fire Code Fire Apparatus Access Roads Standards. Required dimensions for cul-de-sacs shall be coordinated with the Moore County Fire Marshall and Public Works during the sketch plan review process.



- L. **Street Trees and Sight Triangles.** Site triangles shall be shown on the preliminary plat. Visibility must be maintained within the site triangle. The subdivider shall plant or leave at least 2 trees along each lot frontage, outside of sight triangles, as illustrated on the preliminary plat by note or graphics. The trees listed in Section 7.1.(D).e comprise the recommended list of trees for planting. One tree per lot may be preserved or planted when lot sizes are less than 12,000 square feet. Unless agreed to by the town, the trees shall not be planted within the public right of way. Trees shall be a minimum of 4" diameter breast height (dbh) at time of planting. Trees may be installed before final plat approval or a performance guarantee shall be posted. If a developer has a contract for sale for a home, a waiver of this requirement may be granted by the future homeowner. Waivers are not available for "spec" homes.
- M. **Water and Sewer.** Water and sewer shall be installed in accordance with all NCDEQ requirements.
- N. **Fire Service.** Major residential subdivisions of 20 or more lots and nonresidential subdivisions shall provide for fire service flow. Where in the opinion of the Board of Commissioners a major subdivision of twenty or more lots cannot be economically connected to a publicly owned or operated water distribution system, a privately owned water supply, including hydrants, must be installed with a minimum of six inch water lines capable of delivering fire service flows. The Board of Commissioners, subject to the approval of the County Fire Marshall or the authority having jurisdiction, may authorize the use of water bodies on site in lieu of six-inch lines with hydrants. Fire service flows and hydrant design and placement shall be consistent with all Fire Prevention Codes and policy manuals as set forth by Moore County Fire Marshall's Office and Public Works. Unless authorized by the Board and/or directed otherwise by design manuals, the following standards shall apply.
1. All fire hydrants shall be installed on a minimum six-inch waterline.

2. There shall be at least one fire hydrant at each street intersection.
3. Valves associated with fire hydrant assemblies shall be located within 12 to 25 feet of the edge of the pavement.
4. No fire hydrant may be located more than 25 feet from the pavement edge.
5. The applicant shall adhere to the following spacing schedule. Separation shall be measured along street centerlines. When schools and high-density and multi-story nonresidential intersections are less than 450 feet apart, a hydrant is not required between intersections. Where intersections are less than or equal to 1,000 feet apart in low density residential developments, no hydrant is required between the intersections.

PROPOSED USE	SPACING (FEET)
Residential	500
Schools	300
Low and medium density nonresidential, single story	500
High density and multi-story nonresidential	300

- O. **Drainage Easements.** Where a subdivision is traversed by a stream or drainage way, an easement shall be provided conforming to the lines of such stream and be of sufficient width to provide adequate drainage for the subdivision. If a stream or drainage way does not cross a subdivision, a drainage way easement shall be provided along the topographically lowest property line(s) of lots within the subdivision of sufficient width to convey stormwater flow.
- P. **Stormwater Management.** Post-development stormwater runoff shall be controlled to predevelopment conditions for the two (2) and ten (10) year storm events. Low density development shall conform to the requirements of the watershed water supply overlay district in which the property is located. The developer must provide the Town with a copy of the Erosion Control Permit and Plans and Stormwater Permit and Plans from DEQ and all 401/404 wetland and stream permits, determination letters and approval letters prior to commencing any construction activities.
- Q. **Utility Easements.** Easements for underground or above ground utilities shall be provided where needed. Where possible these easements shall be located in the street right-of-way. Where easements are necessary across land, they shall be located to the extent possible along property lines and shall not be located within building envelopes. Five (5) foot utility easements will be provided alongside lot lines and ten (10) foot easements shall be provided along rear lot lines, unless a determination is made that they are not needed.
- R. **Underground Utilities.** All new utilities associated with the proposed development shall be underground unless just cause requires otherwise as approved by the Board of Commissioners.
- S. **Oversized Improvements.** The Town may require installation of certain oversized utilities or the extension of utilities to abutting property when it is a part of its long-term growth objectives and the extension is in the interest of future development. If funds are set aside

by the Town for the installation of improvements in excess of the standards required in this Ordinance, the Town will pay the cost differential between the improvement required and the standards in this Ordinance.

- T. Lots. Double frontage lots or through lots shall be avoided. Side lines of lots shall be at or near right angles or radial to street lines. Lot lines shall coincide with natural and manmade drainageways, where possible, to avoid disruption of drainage patterns by lot development.
- U. Building Envelopes. Residential building envelopes shall be shown for each single family detached lot to demonstrate that the lots have buildable dimensions to meet setbacks and construct a 2000 SF home. Building envelopes shall be adjusted to exclude wetlands and floodplain. Building envelopes for cul-de-sac bulb lots shall demonstrate a minimum frontage of 50 feet. Building envelopes shall also be shown for all other uses consistent with dimensional requirements for the type of use and reflective of conditional zoning, if applicable.
- V. Development Access Points. Unless exempted below, all subdivisions shall provide access from the development to a collector street outside the development to provide for efficient movement of vehicles as well as providing for emergency access. When determining the number of access points to be provided, the developer shall include existing development also accessing the same streets as is typically observed in interconnected subdivisions.
 - 1. Up to 100 lots – 1 access point,
 - 2. 101 to 150 lots – 2 access points,
 - 3. If a development has greater than 150 lots, a minimum of 2 entry points shall be provided. If the County Fire Marshall, the Fire Department or Public Works determines that additional access is required to provide for public safety, it shall be shown on the plat.

Development may be exempt from providing 2 access points if topography (slope, wetlands, floodplain) restricts the installation of a second access point.

- W. Reservation of School Site. If the Moore County Board of Commissioners and Board of Education have jointly determined the specific location and size of any school sites to be reserved in accordance with a comprehensive land use plan, the Zoning Official shall notify the Board of Education (BOE) whenever a preliminary plat is submitted which includes all or part of a school site to be reserved. If the BOE does wish to reserve the site, the subdivision shall not be approved without such reservation. The BOE shall then have 18 months beginning on the date of preliminary approval of the subdivision within which to acquire the site by purchase or by exercise of the power of eminent domain. If the BOE has not purchased or begun proceeding to condemn the site within 18 months, the subdivider may treat the land as freed of the reservation and may modify the plat for development purposes. There will be no charge for plat review for the modification.

- X. **Cluster Mailboxes.** Appropriate mail receptacles must be provided for the receipt of mail as approved by the Postal Service and other applicable departments. Cluster mailboxes (mail kiosks) shall be located outside of the right-of-way, provide for easy ingress and egress, and provide at least one standard parking space and a handicapped parking space. Cluster mailboxes shall be covered to protect residents from rain. Approvals of installation by the Postal Service and Building Inspector are required prior to final plat approval.
- Y. **Street Lighting.** Streetlights shall be spaced approximately every 200 feet and may be staggered on opposite sides of the street. If a developer chooses to install decorative lighting, it will be the developer's responsibility to pay the additional cost.

Sec. 11-7 Major Subdivisions – Specific Cluster Development Provisions

- A. **Purpose.** Where allowed under watershed water supply protection provisions, applicants may choose to submit a project for cluster development to protect water quality for drinking water supplies.
- B. **Applicability.** The cluster option is permitted in all watershed water supply protection areas. Clustering of development is allowed under the following conditions:
 - 1. Minimum lot sizes are not applicable to single-family cluster development projects; however, the total number of lots shall not exceed the number of lots allowed for single-family detached developments. Impervious surface area or storm water control requirements of the project shall not exceed that allowed for the balance of the watershed.
 - 2. All impervious surface areas shall be designed and located to minimize storm water runoff impact to the receiving waters and minimize concentrated storm water flow.
 - 3. The remainder of the tract shall remain in a vegetated or natural state not to be developed at any future date.
 - 4. The final plat shall identify the remainder of the tract to remain in a vegetated or natural state as "reserved for watershed protection."
- C. **Other Dimensional Requirements.** Lot dimensional requirements shall be based on R-20 setbacks.
- D. **Ownership of Open Space.** No final plat shall be approved until all required legal instruments have been reviewed and approved by the Town Attorney as to legal form and effect. Land dedicated for open space shall be designated on both the preliminary and final plat(s) of the subdivision. All open space shall be permanently restricted from further subdivision. Open space shall be owned and/or administered by one or more of the following methods:
 - 1. Fee simple dedication to a public government entity or a private non-profit land conservancy in which public access shall be provided.

2. Ownership by a homeowner's association (HOA) where specific development restrictions and maintenance requirements are included as part of its bylaws and restrictive covenants filed in the Register of Deeds Office. Such conveyances shall be approved by the Town Attorney, subject to the North Carolina Unit Ownership Act / North Carolina Condominium Act and shall be filed with the Town. The fee-simple title of the common area shall be conveyed by the subdivider or developer to the HOA before any lots are sold. The required organizational documents and by-laws shall include, but are not limited to, the following: Membership shall be mandatory for each buyer and any successive buyer. The developer shall be responsible for all maintenance and other responsibilities of the HOA until 60% of all units to be sold are sold. After 60% of all units are sold, the HOA shall levy assessments and assume its responsibilities. The HOA shall be responsible for liability insurance, taxes and maintenance of all recreational open space facilities, grounds and common areas. Any sums levied by the HOA that remain unpaid shall become a lien on the individual property.
3. A private landowner may retain ownership of the open space, provided a conservation easement established for that express purpose is recorded in the public records of Moore County prior to the approval of a plat or issuance of a building permit for a vertical building or structure on the property. The responsibility for maintaining the open space and any facilities shall be borne by the private landowner.

Sec. 11-8 Major Subdivisions – Specific Conventional Subdivision Design Standards

- A. **Applicability.** The conventional subdivision option is permitted in all residential zoning districts and shall comply with the requirements and standards specified in this chapter and in all respects with other applicable codes and Ordinances. The stricter standards shall apply.
- B. **Open Space Requirements.** At least 10% of the tract to be subdivided must be preserved as public or private recreation and/or open space including the preservation of natural and cultural resources and/or to serve the leisure needs of the residents of the subdivision. Passive or active recreation areas shall be located so as to provide accessibility to all residents of the subdivision and shall be identified on the plat. At least half of the open space shall be centrally located to the development with the intent that it not be pushed to the boundary of the parent tract. The Board of Commissioners will make a determination as to whether or not to accept open space and recreation dedication based on the town's ability to manage or operate the area. If the area is not to be accepted for public dedication, it shall comply with the "Ownership of Open Space Requirements" for cluster developments.
- C. **Payments-in-Lieu of Dedication of Recreation Requirements.** Recreation and/or open space required for conventional subdivisions may make a payment-in-lieu of dedication or make a combination of land dedicated and payment. The fees in lieu of dedication shall be paid prior to final plat approval unless otherwise determined by the Board of Commissioners. The amount of the payment shall be the product of the number of acres

to be dedicated and the assessed value for property tax purposes of the land being subdivided, adjusted to reflect its current fair market value at the time such payment is due to be paid. All monies received by the Town pursuant to this Section shall be used only for the acquisition or development of parks, greenways and linear pedestrian facilities, open space sites, and other related facilities.

Sec. 11-9 Major Subdivision – Construction Drawings

- A. **Construction Plan Submittal.** Following preliminary plat approval, the subdivider shall submit 2 paper copies and a digital copy of the construction plans to the Zoning Official. Licensed Professional Engineer design and certification are required on all construction related plans, including but not limited to streets, stormwater controls, drainage, and utilities (storm sewers, sanitary sewers, water systems, electric, cable, natural gas, telephone, etc.). Submittal requirements are reflected in Sec 100.65-15. One copy of the construction drawings shall be returned to the applicant with town comments.
- B. **Agency Review.** The construction plans shall be reviewed and approved by the appropriate departments and agencies prior to the start of construction and/or the submission of the final plat. The subdivider shall submit all required state and federal permit approvals to the Zoning Official before construction begins, including but not limited to NCDEQ, Army Corp of Engineers, and NCDOT. The Director of Public Works, with input from the Town Zoning Official shall authorize when construction may begin based on plans submitted.
- C. **Soil Evaluation Report.** When appropriate, the subdivider shall submit a report including a lot-by-lot evaluation, signed, sealed, and dated from a licensed soil scientist, for septic system capacity. The report must show that each proposed lot has been evaluated under the current provisions of Title 15A NCAC 18A.1900 et seq. The evaluation should note whether there is adequate space for an on-site individual private water source and an on-site subsurface sewage treatment and disposal system, if needed. If the developer proposes a system that would treat a flow of 3,000 GPD or greater, and therefore would require state approval, a letter from the State would also be required to be submitted for final plat approval.
- D. **Start of Construction.** The applicant, prior to commencing any work within the subdivision, shall make arrangements with the Public Works Director to provide for adequate inspections.
- E. **Inspections.** No final plat shall be approved until all required infrastructure has received final inspection approval or appropriate surety has been provided. Upon completion of public or private streets the developer shall submit confirmation by a registered engineer that the roads have been constructed to the standards of the NCDOT manual.
- F. **Certificate of Approval of the Design and Installation of Streets, Utilities, and Other Required Improvements.** Before approval of the final plat or before the release of improvements guarantees, the applicant shall acquire the services of a licensed engineer to supervise the construction, inspect upon completion, and certify in writing to the

Zoning Official that the improvements have, in fact, been installed in accordance with the requirements of this ordinance, with the preliminary plat, and with the Division of Highway's Minimum Construction Standards, or explanations and drawings of any necessary changes.

- G. As-Built. As-built drawings shall meet the requirements of the appropriate agency involved. No building, zoning or other permits shall be issued for construction of a building on any lot (not of record at the time of adoption of this Ordinance) until all the requirements of this Ordinance have been met and as-built drawings of all improvements have been submitted and approved by the appropriate agencies.

Sec. 11-10 Major Subdivisions – Final Plat Submittal

- A. Final Plat Submittal Requirements. The final plat shall conform substantially to the approved preliminary plat. Should the Zoning Official, Environmental Health, the Fire Marshal, NCDOT, the ACOE or DEQ identify minor changes, the Zoning Official —shall be authorized to accept such minor modifications to plat as necessary. 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, and recombination or reconfiguration of lots so long as the number of lots is not increased over that approved on the preliminary plat. If the Zoning Official determines that such changes are questionably not minor changes, the plat may be referred to the Board of Commissioners at the Zoning Official's discretion. If the submitted final plat deviates in its overall design from the approved preliminary plat, the plat shall be reviewed by the Board of Commissioners. Examples of such changes in overall design triggering review include increase in the number of lots, ———realignment of roads, increase in road lengths or additions of cul-de-sacs, reduction in open space or sidewalks, and changes in ingress or egress to the development.
- B. Action by the Zoning Official. The Zoning Official shall take expeditious action on a final plat. If the Zoning Official fails to act within 15 business days after the final plat is submitted, the applicant may request that the final plat be reviewed by the Board of Commissioners.
- C. Approval. The Zoning Official shall approve the final plat unless the plat fails to comply with one or more of the requirements of this Ordinance or that the final plat differs substantially from the plans and specifications approved for the preliminary plat.
- D. Denial. If the final plat is disapproved by the Zoning Official, the applicant shall be furnished with a written statement of the reasons for the disapproval and reference shall be made to the specific section(s) of this Ordinance with which the plat does not comply.
- E. Appeal. If a final plat is disapproved by the Zoning Official, the applicant may appeal the decision to the Board of Adjustment.
- F. Expiration of Final Plat. Approval of a final plat is contingent upon the plat being recorded in the Office of the Register of Deeds within 60 days after the approval date of the final

plat. Failure to record the approved plat within the specified 60-day period shall render the plat null and void.

Sec. 11-11 Phasing

- A. **Plat Detail.** When a subdivision is to be developed in phases the preliminary plat shall be submitted for the entire development. The boundary of each phase shall be shown on the preliminary plat. A final plat shall be submitted for each phase.
- B. **Adequate Facilities.** Phasing may be tied to adequate public facilities such as water or sewer. The Board of Commissioners may not approve a phasing plan if they determine such phasing will not provide for adequate facilities to support any such phase or phases independent of the overall subdivision plan.
- C. **Each Phase Must be Capable of Standing on its Own.** Temporary improvements may be authorized for public safety purposes for each phase to allow for emergency ingress and egress. All other final plat requirements must be satisfied before each phase is released.
- D. **Expiration.** Each successive final plat for a phase of the subdivision shall be submitted for approval within 24 months of the date of approval of the previous final plat for a stage of the subdivision.

Sec. 11-12 Performance Guarantees for Major Subdivisions

- A. **Options.** In lieu of requiring the completion, installation and dedication of all improvements prior to final plat approval, the Board of Commissioners may enter into an agreement with the subdivider for performance guarantees to assure successful completion of required improvements. The amount of the performance guarantee shall not exceed 125% of the reasonably estimated cost of completion at the time the performance guarantee is issued. Once said agreement is signed by both parties and the security required herein is provided, the final plat may be approved by the Zoning Official. Per North Carolina General Statutes, the developer shall elect any of the following forms of guarantee:
 - 1. Surety bond issued by any company authorized to do business in this State.
 - 2. Letter of credit issued by any financial institution licensed to do business in this State.
 - 3. Other form of guarantee that provides equivalent security to a surety bond or letter of credit.
- B. **Release.** The performance guarantee shall be returned or released in a timely manner upon the acknowledgement by the Town that the improvements are complete. The performance guarantee shall only be used for completion of the required improvements and not for repairs or maintenance after completion. The guarantee may be released in phases as improvements are completed or all at once. If the guarantee is released in phases as improvements are completed, town staff may request an updated reasonable estimate showing the balance. Release of guarantee may be authorized by the Town

Manager with input by staff that the improvements have been completed in accordance with town requirements.

- C. Extension. If the improvements are not complete and the current performance guarantee is expiring, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period until such required improvements are complete. A developer shall demonstrate reasonable, good faith progress toward completion of the required improvements that are the subject of the performance guarantee or any extension. The form of any extension shall remain at the election of the developer. Any extension of the performance guarantee necessary to complete required improvements shall not exceed 125% of the reasonably estimated cost of completion of the remaining incomplete improvements still outstanding at the time the extension is obtained.
- D. Claim of Rights. No person shall have or may claim any rights under or to any performance guarantee provided or in the proceeds of any such performance guarantee other than the following:
 1. The local government to whom such performance guarantee is provided;
 2. The developer at whose request or for whose benefit such performance guarantee is given; or
 3. The person or entity issuing or providing such performance guarantee at the request of or for the benefit of the developer.

Sec. 11-13 Subdivision Plat Requirements

An 'X' indicates that the information is required. The applicant is encouraged to meet with the Zoning Official to determine if more or less information is needed to address the requirements of this section. This table may also be used as a checklist by the applicant or town staff.

Information Required	Exempt	Expedited Minor	Minor	Preliminary	Final	Submitted by Applicant
<u>General Requirements</u>						
Date survey prepared and any revision dates	X	X	X	X	X	
Owner's name and address	X	X	X	X	X	
Name of Subdivision	X	X	X	X	X	
Town, township, county, state	X	X	X	X	X	
Name, Address and Number of Surveyor	X	X	X	X	X	

Information Required	Exempt	Expedited Minor	Minor	Preliminary	Final	Submitted by Applicant
Scale in Words and Bar Graph	X	X	X	X	X	
Type of Plat (Preliminary, Final, Major, Minor, Exempt, Watershed Clusted, Conditional Zoning)	X	X	X	X	X	
Map signed and sealed by surveyor	X	X	X*	X*	X*	
Appropriate certificates included	X	X	X		X	
Vicinity Map	X	X	X	X	X	
Moore County parcel identification number	X	X	X	X	X	
Names, addresses, telephone numbers, and Email of surveyors, architects and engineers responsible for project				X	X	
Corporate limits	X	X	X	X	X	
Plat Book /Deed Book References	X	X	X	X	X	
Site Data						
Acreage of property to be subdivided less Public ROW	X	X	X	X		
Acreage of public use sites and dedicated open space				X	X	
Number of existing (if more than one) and proposed lots	X	X	X	X	X	
Square footage of each lot under one acre in size and acreage if more than one acre		X	X	X	X	
Average lot size				X		
Smallest lot size			X	X		
Linear feet of streets				X		

Information Required	Exempt	Expedited Minor	Minor	Preliminary	Final	Submitted by Applicant
Bearings and distance of existing and proposed property lines (label old lines)	X	X	X	X	X	
Proposed block numbers				X	X	
Zoning classification of lot and adjoining lots			X	X	X	
Minimum building setback lines			X	X	X	
Setback lines shown within irregularly shaped lots			X	X	X	
Lots numbered			X	X		
Addresses of all new lots created					X	
Sidewalk locations				X	X	
Proposed street grades				X		
Proposed Infrastructure from Adopted Plans				X	X	
Areas for trees, buffers, and landscaping				X	X	
Existing Condition Information within 300' of Property						
Location and Size of Public Utilities			X	X		
Location and Size of Bridges, Culverts, and other Storm Drainage Facilities				X		
Location, Width and Purpose of all Easements			X	X	X	
Proposed and existing rights-of way labeled public or private	X	X	X	X	X	
A note that the subdivision will be served by central or individual water supply		X	X	X		
A note that the proposed subdivision		X	X	X		

Information Required	Exempt	Expedited Minor	Minor	Preliminary	Final	Submitted by Applicant
will be served by public sewer or septic						
Surrounding Property Lines, Property Owners and Subdivisions	X	X	X	X	X	
Deed references of surrounding properties	X	X	X	X	X	
Existing buildings and structures	X	X	X	X	X	
Distance of existing structures from proposed property lines	X	X	X	X	X	
Lines not surveyed with source data	X	X	X	X	X	
Contours no greater than 5' intervals				X		
Wooded areas				X		
Water features and wetlands from survey or National Wetland Inventory		X	X	X	X	
Floodplains with FIRM panel number	X	X	X	X	X	
Other natural or manmade features affecting site development			X	X		
National Register Properties with names on or adjacent to the site		X	X	X	X	
Proposed sign locations				X		

Sec. 11-14 Construction Drawings

Upon review and/or approval of a preliminary plat, a preconstruction meeting shall be scheduled with the Zoning Official and the Director of Public Works. Construction drawings with the following additional information shall then be submitted and approved by staff or a qualified professional retained by the town.

A. Street Data

- 1) Design engineering data for all corners and curves
- 2) Typical street cross-section
- 3) Street maintenance agreement, if necessary
- 4) Certification that the subdivider has obtained driveway approval from the NC Department of Transportation for any street that is proposed to intersect with a State maintained road

B. Public Utility Plans (prepared by a professional engineer licensed in the State of North Carolina)

- 1) Sanitary sewer utility layout
- 2) Storm sewer utility layout
- 3) Water distribution line layout, illustrating connections to existing systems and showing line size, and location of fire hydrants, blowoffs, manholes, force mains, and gate valves
- 4) Plans and utility layouts for natural gas lines, telephone lines, and electrical lines
- 5) Plans for individual water supply and sewage disposal systems, if applicable
- 6) Profiles of sanitary sewers and storm sewers, based upon Mean Sea Level datum
- 7) Approved by water and sewer extension plans

C. Development Plans

- 1) Copy of erosion control plan submitted to the appropriate authority, if such a plan is required
- 2) Landscape plan
- 3) Stormwater drainage plan
- 4) Any reservation areas for future linear facilities
- 5) Copy of any proposed deed restrictions or similar covenants

Sec. 11-15 Offers of Dedication of Infrastructure

Offers of dedication of infrastructure including roads, sidewalks, water, sewer and associated stormwater management shall not be accepted by the town until one year after signature of the Zoning Official on the final plat. Prior to acceptance, the infrastructure shall pass an inspection and all repairs shall be made. Offers of dedication shall be accepted by the Board of Commissioners through Board action during a public meeting.

Sec. 11-16 Subdivision Certificates

An 'X' indicates that the information is required. The Zoning Official may waive items if it is determined that they are not applicable. Certificates shall be substantially in the same format as provide below.

Type of Certificate or Statement	Exempt Plat	Minor Plat	Major Prelim. Plat	Major Final Plat
NCGS 47-30 Certificates	X	X	X	X
Review Officer Certification	X	X	X	X
Certificate of Ownership	X	X		
Certificate of Ownership and Dedication			X	X
Certificate of Exemption	X			
Exemption Compliance Statement	X			
Voluntary Agricultural District Proximity Statement		X	X	X
Public Water Supply Watershed Protection Statement		X	X	X
Certificate of Minor Subdivision Plat		X		
Certificate of Preliminary Major Subdivision Plat			X	
Certificate of Final Major Subdivision Plat Approval				X
NCDOT Div. of Highways District Engineer Certificate				X
Public Street Maintenance Disclosure Statement				X
Certificate of Approval of the Design and Installation of Streets, Utilities, and Other Required Improvements				X
Utilities Certificate				X
Sediment & Erosion Control Plan Certificate				X
Stormwater Control Certificate			X	X
Certificate of Soil Suitability				X

Review Officer Certification

State of North Carolina

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

Review Officer

Date

Certificate of Ownership (For Use with Minor Plats Only)

I hereby certify that I am the owner of the property shown and described hereon, which is located within the subdivision regulation jurisdiction of the Town of Cameron, North Carolina, and that I hereby freely adopt this plan of subdivision.

_____	_____
Owner	Date

Owner	Date

Certificate of Ownership and Dedication (For Use with Major Plats Only)

I hereby certify that I am the owner of the property shown and described hereon, which is located within the subdivision regulation jurisdiction of the Town of Cameron, North Carolina, that I hereby freely adopt this plan of subdivision and dedicate all streets, alleys, parks, open space, and other sites and easements to public or private use as noted, and that I will maintain all such areas until the offer of dedication is accepted by the appropriate public authority.

_____	_____
Owner	Date

Owner	Date

Certificate of Exemption

I hereby certify that the division of property shown and described hereon is exempt from the Town of Cameron Subdivision Regulations by definition and/or ordinance.

_____	_____
Zoning Official	Date

Exemption Compliance Statement

Approval of this exempt subdivision plat constitutes compliance with North Carolina General Statutes only. Further development of the parcels shown subsequent to the date of this plat shall be subject to all applicable Federal, State, and local laws, statutes, ordinances, and/or codes.

\$ _____ has been posted with the Town of Cameron to assure completion of required improvements.

Subdivision Zoning Official

Date

NCDOT Division of Highways District Engineer Certificate (when appropriate)

I hereby certify that the streets as depicted hereon are/are not consistent with the requirements of the North Carolina Department of Transportation, Division of Highways.

District Engineer

Date

Certificate of Approval of the Design and Installation of Streets, Utilities, and Other Required Improvements

A. To be used when all improvements have been installed prior to final plat approval

I hereby certify that I have inspected and find that all streets, utilities, and other required improvements as shown on the preliminary and final plats of the _____ Subdivision have been installed in an acceptable manner and according to the Town of Cameron specification and standards.

Date

Licensed Professional

Seal

Registration Number

B. To be used when some, but not all, improvements have been installed prior to final plat approval

I hereby certify that I have inspected and find that the following streets, utilities, and other required improvements as shown on the preliminary and final plats of the _____ Subdivision have been installed in an acceptable manner and according to Town of Cameron specification and standards.

(List all inspected and approved improvements)

Date

Licensed Professional

Seal

Registration Number

I certify that the plat shown hereon complies with the Town of Cameron Watershed Water Supply Regulations and is approved by myself, as agent for the Watershed Review Board for recording in the Moore County Register of Deeds Office.

Zoning Officer

Date

NOTICE: This property is in Located within a Public Water Supply Watershed – Development Restrictions May Apply.

Include the following when applicable

Any engineered stormwater controls shown on this plat are to be operated and maintained by the property owners and/or a property owners' association pursuant to the Operation and Maintenance Agreement filed with the Office of the County Register of Deeds in Book _____ Page _____.'

Public Street Maintenance Disclosure Statement

The following statement shall be placed on all subdivision plats that include newly constructed streets intended to be maintained by the NCDOT:

The maintenance of public street(s) shown on this plat is (are) intended to be the responsibility of the North Carolina Department of Transportation, provided that all requirements for acceptance are met. Until such time as the NCDOT accepts the street(s), I (We) will provide for necessary maintenance of the streets.

Owner(s)

Licensed Soil Scientist Certificate

The following statement shall be placed on all subdivision plats that include lots where access to public water and/or sewer are not available.

I hereby certify that the lot(s) on this plat have been evaluated under the current provisions of Title 15A NCAC 18A.1900 et seq., and have found to have adequate space for an on-site individual private water source and on-site subsurface sewage treatment and disposal system. NOTE: Due to variations in siting specific uses and potential for changes in regulation or soil conditions, issuance of a Well Permit or Improvement Permit by Moore County Department of Environmental Health is not guaranteed.

Date

Licensed Soil Scientist

License No.

ATTACHMENT B

Section 14. Types of Amendments

Amendments may be to the text of the ordinance or take the form of map amendments, often known as rezoning. The Town recognizes three types of amendments.

1. Text Amendments. This type of amendment is used when a party chooses to modify the actual text of the ordinance. This is a legislative decision by the Board of Commissioners.

2. Map Amendments. This type of amendment is used when a party chooses to change a zoning district from one type to another. Often known as a straight rezoning, it recognizes that the change in district allows for all uses allowed within a given zoning district. It cannot be conditioned in any way. This is a legislative decision by the Board of Commissioners.

3. Conditional Zoning. Conditional Zoning is an amendment process that is both a map amendment and a text amendment. It is a legislative decision by the Board of Commissioners, but it allows for the placement of conditions and/or limits on the approval.

Section 14.1 Initiation of Amendment

Text and Map Amendments to the Development Ordinance may be initiated by any party including: elected officials, the planning board, staff or citizens. Conditional Zoning must be initiated at the property owner's request.

Section 14.2 Amendment Procedure for Text Amendments and Map Amendments.

1. Petition for Amendment

A petition for text amendment or map amendment shall be filed on application forms provided by the town and accompanied by the appropriate fee. If the request is filed from within the local government, it may be initiated by a staff report. The applicant is encouraged to review the Town of Cameron adopted Land Use Plan and any other relevant long-range plans for consistency with their petition.

2. Call for Public Hearing or Decision to Summarily Dismiss

The Board of Commissioners shall set a date for public hearing of any petition for amendment. At that time, the Board may determine that they do not wish to consider amending the Zoning Map or Land Development Ordinance. If such is the case, the Board may vote to summarily dismiss the case and not conduct a public hearing. The reason the case shall not be heard is to be included in the public record of the meeting.

A proposed zoning map amendment may not be reconsidered and may be summarily dismissed if an amendment for the same property is submitted again within one year's time unless the Board of Commissioners determines that there is a compelling reason to rehear a map amendment.

In setting the public hearing date, sufficient time shall be provided to allow for input from the Planning Board and for all public notice requirements to be met.

3. Public Notice

A. Published Notice.

The town shall publish two notices, the first not less than 10 days or more than 25 days before the hearing and the second in a separate calendar week in a newspaper of general circulation. The content shall include the purpose of the meeting, the date, time and location. If the public hearing involves a map amendment, sufficient information shall be provided to locate the property for which the amendment is proposed.

B. Mailed Notice (for map amendments).

First class mailed notice is required for map amendments and must be sent to all abutting property owners as well as the owner of the property for which the amendment is being requested as identified in the Moore County Tax Registry. The notice must be mailed at least 10 days but not more than 25 days before the hearing. The notice shall include the content of the published notice as well as a location map of the property proposed for rezoning.

Staff shall retain a copy of the mailing, a list of recipients, and certification by the person making the mailing as to when it was done.

C. Posted Notice (for map amendments).

A notice of the proposed hearing shall be posted on the affected site. If the property is greater than 10 acres and fronts on more than one road, a notice shall be posted on each road.

D. Notice to Property Owner (for map amendments).

If a petition for map amendment is initiated by someone other than the owner of the property or the town, notice of the hearing shall be mailed to the owner. Although not required, the town shall also forward a copy of the petition to the owner of the property.

E. Large scale map amendments.

Whenever a rezoning has the potential to affect more than 50 properties with at least 50 different property owners, the town may choose to use expanded published notice instead of individual mailed notice. The expanded public notice shall include two half page ads published not less than 10 days no more than 25 days before the hearing with the second in a separate calendar week in a newspaper of general circulation. The site shall also be posted and mailed notices shall be sent to property owners residing outside of the newspaper's area of circulation.

4. Planning Board

All proposed Development Ordinance amendments must be given review by the Planning Board for a recommendation to the Board of Commissioners. They are not required to conduct a public hearing, but they are encouraged to accept public input. The Planning Board shall evaluate all proposals for consistency with any adopted long-range plans and adopt a statement of consistency with said plans before voting to recommend approval or denial of the request. The statement shall be approved by vote and made part of the record.

5. Board of Commissioners

The Board of Commissioners shall conduct a public hearing regarding the petition. The Planning Board recommendation and Statement of Consistency shall be provided to the Board of Commissioners. The Board of Commissioners shall consider the Planning Board

recommendation, but they are not bound by it. The Board of Commissioners may choose to make their decision to approve or deny at the same meeting or a subsequent meeting. The Board shall first adopt a Resolution of Consistency with the adopted Land Use Plan and other long-range plans then the Board shall vote on the petition. The Resolution of Consistency may take one of three forms consistent with N.C.G.S 160D-604(d); 605(a); 701.

- A. Approve the amendment and describe its consistency with the adopted Land Use Plan.
- B. Reject the zoning amendment and describe its inconsistency with the adopted Land Use Plan.
- C. Approve the amendment and deem it a modification of the adopted Land Use Plan. The Board shall describe why the action taken is reasonable and in the public interest. In certain circumstances, it may be beneficial for the Planning Board to convene with the Board of Commissioners during the public hearing prior to making their recommendation. Once the hearing is conducted, the Planning Board may then reconvene to make their recommendation the same day or at a subsequent Planning Board meeting for transmittal to the Board of Commissioners.

Section 14.3 Amendment Procedure for Conditional Zoning

A petition for conditional zoning shall be filed on forms provided by the town and accompanied by the appropriate fee. It is a legislative process that shall only be initiated upon the owner's request and shall follow the procedures of text and map amendments subject to the following.

- A. A petition for conditional zoning must include, at a minimum, a site plan that complies with the requirements of this ordinance as well as a narrative that specifies any proposed rules, regulations, and conditions and any other proposed ordinances that will govern the development and use of the property in conjunction or in lieu of the requirements of the Development Ordinance.
- B. The applicant may rely in the first instance on the recommendations of the Administrator as to whether more or less information should be submitted.
- C. In the course of evaluating the proposed use, the Administrator, Planning Board or the Board of Commissioners may request additional information from the petitioner. This information may include the following:
 - 1. Proposed number and general location of all structures;
 - 2. Proposed screening, buffers and landscaping over and above that required by these regulations, as well as proposed treatment of any existing natural features;
 - 3. Existing and approximate proposed topography, if available, at two-foot contour intervals or less;
 - 4. Scale of buildings relative to abutting property;
 - 5. Height of structures;
 - 6. Significant features of proposed development such as enhanced buffers or external setbacks, greenways and open space;
 - 7. Approximate locations of roads and points of ingress and egress;
 - 8. Information regarding availability of utilities to serve the project;

9. Proposed number and location of signs; and
10. Any other information needed to demonstrate compliance with this chapter.

D. The site plan and any supporting text shall constitute part of the petition for all purposes under this part.

E. The Planning Board and applicant shall conduct a public meeting for the purpose of soliciting input regarding the petition and its effect on the community. The public meeting may be included in the public hearing notice or noticed separately to the community using one of the following:

1. A community meeting sign shall be posted on the property with a number to call for information regarding date, place and time.
2. A mailed notice shall be sent to adjacent property owners. The cost of the notice shall be borne by the applicant.
3. Published notice one week before the meeting in a newspaper of general circulation may be used. The cost shall be borne by the applicant.

F. One electronic copy of the materials shall be provided along with one printed set no larger than tabloid paper size. If the applicant chooses to provide larger scaled materials, 11 copies shall be provided.

G. Conditions on Approval of Petition and Effect

1. In approving a petition for the reclassification of property to a conditional zoning district, the Planning Board may recommend and the Board of Commissioners may request that reasonable and appropriate conditions be attached to approval of the petition.

2. Conditions and site-specific standards shall be limited to those that address the conformance of the development and use of the site to town ordinances and all relevant officially adopted plans. Conditions and site-specific standards may also address the impacts reasonably expected to be generated by the development or use of the site. Any such conditions should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, storm water drainage, the provision of open space, and other matters that the Board of Commissioners may find appropriate, or the petitioner may propose. Such conditions to approval of the petition may include dedication to the town, county, or State, as appropriate, of any rights-of-way or easements for streets, water, sewer, or other public utilities necessary to serve the proposed development. The Board of Commissioners may approve conditions that vary, lower or impose higher standards than those that would ordinarily apply were the property at issue rezoned to something other than a conditional zoning district.

3. The petitioner shall have a reasonable opportunity to consider and respond to any such conditions prior to final action by the Board of Commissioners. Only those conditions mutually approved by the Board of Commissioners and the petitioner may be incorporated into the petition.

4. If a petition for conditional zoning is approved, the development and use of the property shall be governed by the predetermined ordinance requirements applicable to the district's category, the approved site plan for the district, and any additional approved rules, regulations and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the town Zoning Map.

H. Modification of Approval

Changes to an approved petition for conditional zoning or to the conditions attached to an approved petition for conditional zoning shall be treated the same as amendments to the text of this ordinance or to the official Zoning Map and shall be processed in accordance with the requirements of this article. Notwithstanding the foregoing, the Board of Commissioners may, as part of the conditions imposed on the conditional district, include a list of modifications that may be approved by Administrator or other appropriate town staff without further review by the Town Board.

Following approval of conditional zoning, the property shall be defined on the town Zoning Map by the appropriate district designation plus CZ to identify that a condition also applies. Such amendments are considered part of the Development Ordinance and will be appended to the Development Ordinance.

