

**APPENDIX M – Conditional Zoning Ordinances** *(Amended 4/19/2012, 2/11/2013, 5/2/2013, 6/16/2014, 6/22/2015, 3/28/2016, 4/25/2016, 6/27/2016, 2/27/2017, 4/24/2017, 6/26/2017)*

All conditional zoning ordinances adopted by the Board of Commissioners are included in chronological order in this appendix.

**§ CZ-12-01 Rezoning of Property Located at 354 Parkway Drive (Moore County LRK #20040417)**

The property located at 354 Parkway Drive (Moore County LRK #20040417) (the “Property”) is subject to the following regulations:

- (A) The Property is hereby rezoned to C-I-C.
- (B) Except as specifically amended by section CZ-12-01, all provisions of the Aberdeen Unified Development Ordinance shall apply to the Property.
- (C) “Child Day Care Facility” shall be permitted of right on the Property with the issuance of a certificate of zoning compliance.
- (D) The following additional requirements shall apply to a child day care facility:
  - 1. Prior to the issuance of a certificate of zoning compliance, the applicant shall submit a list of site improvements to the Planning and Inspections Department that depict the required fence and handicapped parking, as well as demonstrate a lay-out of adequate parking for required staff and drop-offs.
  - 2. Signage will require separate zoning approval.
  - 3. A copy of the child care facility license issued by the Division of Child Development, North Carolina Department of Health and Human Services shall be provided to Planning and Inspections before the operation begins providing child care services.

**§ CZ-13-01 Rezoning of Property Located at Oak Tree Village Apartments (Moore County PIN #857018321225; Parcel ID 10001611)**

The property located at Oak Tree Village Apartments (Moore County PIN #857018321225; Parcel ID 10001611) (the “Property”) is subject to the following regulations:

- (A) The Property is hereby rezoned to R10-10-C.
- (B) Except as specifically amended by section CZ13-01, all provisions of the Aberdeen Unified Development Ordinance shall apply to the Property.
- (C) One additional duplex may be added to the existing multifamily development on the

property.

- (D) The following additional requirements shall apply to the property:
1. A 4' sidewalk shall be constructed between the new units and the mail box.
  2. Prior to building permit, the applicant shall provide the following:
    - a) Elevations and floor plans shall be submitted documenting compliance with the UDO requirements for duplex building design.
    - b) Calculations to show that the current stormwater structure is able to handle difference in pre/post flow with the addition of impervious area.
    - c) ¾" water service lines and meters for each tenant shall be provided in lieu of the 1" water line and meter.
    - d) Silt fencing around disturbed area shall be installed to control sediment that may enter into stormwater features.
    - e) Specifics on the sprinkler water line locations shall be provided to the Fire Department.
    - f) Fire flow calculations for the proposed structure shall be provided with documentation there is adequate water to cover the building.
    - g) A final site plan showing driveway dimensions as well as the nearest hydrant location subject to approval by the Fire Department.
  3. Additional landscaping shall be provided prior to Certificate of Occupancy to ensure that the buffer is semi-opaque and that there are no gaps once the area has been prepared for construction.
  4. The duplex shall be the same style and appearance as the buildings that are already there.

**§ CZ-14-01 Rezoning of Property Located on Sand Pit Road (Moore County PIN #855012970347; Parcel ID 00050799)**

The property located on Sand Pit Road (Moore County PIN #855012970347; Parcel ID 00050799) (the "Property") is subject to the following regulations:

- (A) The Property is hereby rezoned to R20-16-C.
- (B) Except as specifically amended by section CZ14-01, all provisions of the Aberdeen Unified Development Ordinance shall apply to the Property.
- (C) A church facility and accessory residential facilities may be added to the Property, as well as related parking, an on-site daycare, and a cemetery.
- (D) The following additional requirements shall apply to the Property:
1. A conditional use permit for the uses on the property is not required. Those uses include a facility for worship, an on-site day care, single family and multi-

family residential, and a private cemetery. A final site plan and all construction documents must be approved through the interdepartmental review process and shall be in general conformance with the preliminary site plan submitted with this request.

2. The project must be granted a Special Non-Residential Intensity Allocation by the Watershed Review Board before final approval of the site plan may be given or prior to recordation of the subdivision plat.
3. A driveway access permit must be granted by NCDOT prior to construction. A requirement for a Traffic Impact Analysis will be determined by NCDOT.
4. The applicant shall coordinate with Public Works regarding the extension of water.
5. Any and all approvals from other regulatory agencies must be obtained prior to a notice to proceed by the Planning Department.
6. A copy of all septic tank approvals must be submitted to the Planning Department prior to submittal of final site plan.
7. The corners shall be established for the cemetery and placed on record with the Moore County Register of Deeds.
8. The applicant shall provide the department with a copy of permit approval from the Department of Health and Human Services for the day care facility.
9. The applicant shall meet all setbacks and building heights as indicated on the sketch plan.
10. The applicant shall retain existing vegetation in the buffer areas and elsewhere wherever possible and supplement with planted landscaping as needed to meet landscaping and screening requirements.
11. Final approval of Conditional Zoning CZ #14-01 is contingent upon approval of an interdepartmental site plan review following the CZ process.
12. Staff is directed to enter Conditional Zoning District R20-16-C for property identified by PID# 00050799 on the official zoning map and add a label for CZ#14-01 upon final approval.

**§ CZ-14-03 Rezoning of Property Located at 10570 NC Highway 211 (Moore County PIN #848901196471; Parcel ID 20040356)**

The property located at 10570 NC Highway 211 (Moore County PIN #848901196471; Parcel ID 20040356) (the “Property”) is subject to the following regulations:

- (A) The Property is hereby rezoned to C-I-C.
- (B) Except as specifically amended by section CZ14-03, all provisions of the Aberdeen Unified Development Ordinance shall apply to the Property.
- (C) Manufacturing and wholesale/retail distribution and sales of beer, and on site consumption of food and alcoholic beverages as additional uses may be added to the Property.

(D) The following additional requirements shall apply to the Property:

1. Conditional and Special Use Permit for the uses on the property are not required. A final site plan and all construction documents must be approved through the interdepartmental review process and shall be in general conformance with the proposed sketch plan attached to this proposal. The Conditional Zoning is contingent upon approval of the Site and Building Plans.
2. Any and all approvals from other regulatory agencies including, but not limited to NC DOT must be obtained prior to a notice to proceed by the Planning Department.
3. A bicycle rack will be installed to meet the Comprehensive Pedestrian/Bicycle Plan the town adopted.
4. Staff is directed to enter Conditional Zoning District C-I-C for property identified by PID# 20040356 on the official zoning map and add a label for CZ#14-03 upon final approval.

**§ CZ-15-01 Rezoning of Property Located at 10321 NC Highway 211 (Moore County PIN #858003010191; Parcel ID 00050263)**

The property located at 10321 NC Highway 211 (Moore County PIN #858003010191; Parcel ID 00050263) (the “Property”) is subject to the following regulations:

(A) The Property is hereby rezoned to GC-CD.

(B) Except as specifically amended by section CZ15-01, all provisions of the Aberdeen Unified Development Ordinance shall apply to the Property.

(C) The following additional requirements shall apply to the Property:

1. An eighty (80) foot buffer shall be maintained along the northern property boundary of the property to be rezoned and shall include a planted screen to consist of the following:
  - a. Two staggered rows of evergreen trees on a two foot high berm with a width to accommodate the trees,
  - b. The evergreen trees shall be spaced to create a solid screen at maturity and to reach a height of no less than twelve (12) feet at maturity,
  - c. The planted screen shall be installed in stages as the areas are developed and such that no existing trees are removed,
  - d. A fence along the western property boundary of the property to be rezoned shall be installed thirty (30) feet from the property line. The fence shall be a six (6) foot high solid plank wooden fence.
  - e. The area between the new planted screen and the property line will not

be disturbed.

2. As required by Article XIX of the UDO, the removal of existing trees with a diameter at breast height of 12” or greater is prohibited without the expressed approval of the planning director.
3. Conditional and Special Use Permits for the uses on the property are not required. The conditional zoning is contingent on approval of a final site plan, to include a stormwater management plan prepared by a licensed engineer, by staff to insure compliance with the UDO. The plan shall include calculations showing that the post development runoff is no greater than the pre-development condition. The plan shall also include proposed remedies to existing stormwater concerns.
4. Staff is directed to enter Conditional Zoning District GC-CD for property identified by PID# 00050263 on the official zoning map and add a label for CZ#15-01 upon final approval.

**§ CZ-16-01 Rezoning of Property Located at 400 Saunders Blvd. (Moore County PIN #857120912981; Parcel ID 00047428)**

The property located at 400 Saunders Blvd (Moore County PIN #857120912981; Parcel ID 00047428) (the “Property”) is subject to the following regulations:

- (A) The Property is hereby rezoned to R6-10CD.
- (B) Except as specifically amended by section CZ16-01, all provisions of the Aberdeen Unified Development Ordinance shall apply to the Property.
- (C) The following additional requirements shall apply to the Property:
  1. Any and all approvals including but not limited to permits from the Town or other regulatory agencies must be obtained prior to a notice to proceed by the Planning Department.
  2. The applicant shall retain existing vegetation on the property to ensure compliance with landscaping and screening requirements.
  3. A fence at no less than four foot in height shall be installed along the property line that borders the pond.
  4. Any expected changes in the use of the property shall be reported to the Town of Aberdeen Planning Department and will be contingent on necessary approval(s).
  5. Conditional and Special Use Permits for the uses on the property shall not be required for the uses specified by Conditional Zoning CZ #16-01.
  6. Staff is directed to enter Conditional Zoning District R6-10-CD for property identified by PID #00047428 on the official zoning map and add a label for CZ #16-01 upon final approval.

**§ CZ-16-02 Rezoning of Property Located on Old Course Road (Moore County PIN #856000489629, 856000487767, 856000487922, 856000486671, and 856000488524; Parcel ID #20060539, 20060540, 20060541, 20060542, AND 20060543)**

The property located on Old Course Road (Moore County PIN #856000489629, 856000487767, 856000487922, 856000486671, and 856000488524; Parcel ID #20060539, 20060540, 20060541, 20060542, AND 20060543) (the “Property”) is subject to the following regulations:

- (A) The Property is hereby rezoned to R20-16-CD.
- (B) Except as specifically amended by section CZ #16-02, all provisions of the Aberdeen Unified Development Ordinance shall apply to the Property.
- (C) The following additional requirements shall apply to the Property:
  - 1. A Conditional Use Permit for the use proposed by CZ #16-02 shall be required prior to any development activities at the site, at which time additional conditions may be attached at the discretion of the Town Board of Commissioners.
  - 2. Staff is directed to enter Conditional Zoning District R20-16-CD for property identified by PID# 20060539, 20060540, 20060541, 20060542, and 20060543 on the official zoning map and add a label for CZ #16-02 upon final approval.

**§ CZ-16-04 Rezoning of Property Located at 801 East Main Street (Moore County PIN #857019511936; Parcel ID #00047514)**

The property located at 801 East Main Street (Moore County PIN #857019511936; Parcel ID #00047514) (the “Property”) is subject to the following regulations:

- (A) The Property is hereby rezoned to R6-10-CD.
- (B) Except as specifically amended by section CZ #16-04, all provisions of the Aberdeen Unified Development Ordinance shall apply to the Property.
- (C) The following additional requirements shall apply to the Property:
  - 1. A Conditional Use Permit for new multi-family residences on the property shall be required for the uses specified by Conditional Zoning #16-04, at which time additional conditions may be attached at the discretion of the Town Board.
  - 2. The property subject to CZ #16-04 may be developed or redeveloped for multi-family use subject to the following provisions:

a. A maximum of twenty-three (23) total units shall be permitted for the property.

b. Structures existing on the property on the date of approval of CZ #16-04 are subject to the provisions of Aberdeen UDO Article VIII, “Nonconforming Situations,” including but not limited to the requirement that if a structure on a lot where a nonconforming situation exists is damaged to an extent that the costs of repair or replacement would exceed sixty (60) percent of the appraised valuation of the damaged structure, then the damaged structure may be repaired or replaced only in accordance with the current requirements of the UDO.

c. Any existing and/or new multi-family structures on the subject property are permitted regardless of the distance of the property to other properties containing multi-family uses, provided that new structures must comply with the other spacing requirements, such as setbacks, of the UDO and of the NC State Building Code.

d. Existing parking areas are permitted to remain in their current location and configuration unless the existing structures are altered at a cost exceeded sixty (60) percent of their appraised valuation, in which case the existing parking shall comply with the following requirements:

i. A minimum of two parking spaces per dwelling unit shall be provided;

ii. Parking shall be located “interior to the block”, defined as parking that is accessible from a driveway that connects the parking to the street and not directly accessible from the street.

e. Newly proposed parking shall be either between any existing or new building and the rear lot line, an alley or interior to the block. “Interior to the block” is defined as parking that is accessible from a driveway that connects the parking to the street and not directly accessible from the street.

f. Newly constructed structures and existing structures repaired or reconstructed at an estimated cost exceeding sixty (60) percent of their appraised valuation shall be required to comply with all requirements of the UDO in effect at the time of permit/application submittal(s) to the Aberdeen Planning and Inspections Department, except those specifically waived or amended by CZ #16-04.

g. No new landscaping will be required for the existing uses and conditions on the property. Proposals for new development on the property will be required to comply with any and all applicable landscaping requirements in the UDO and shall be calculated based only on the newly proposed development and not retroactively applied to the existing development.

h. The existing driveway shall serve as a path to meet multi-family requirements for the property, with the exception of the requirement for sidewalks between units and their associated parking areas.

- i. No new bus shelters will be required for the existing uses and conditions on the property or for the additional nine units to fully build out the property. In the event that the entire property is redeveloped, all conditions of the then-current UDO shall apply.
  - j. New multi-family development proposed for the property shall comply with multi-family building spacing requirements of the UDO.
  - k. Lot size requirements as dictated by the UDO shall not apply to new duplex structures proposed for the property.
  - l. Open space for new development on the property shall comply with ordinance requirements in place at the time of application. Calculations for any open space requirements shall be applied only to newly proposed units and not be retroactively applied to existing units.
3. No Active Recreation Facilities are required by the UDO as of the date of approval of CZ #16-04, however, should such requirements be adopted prior to submittal of an application for any conditional use permit to construct new units on the property, and those requirements apply to the application’s proposal, the applicant will be required to meet those requirements.
  4. Side setbacks for the property shall be fifteen (15) feet minimum.
  5. Staff is directed to enter Conditional Zoning District R6-10-CD for property identified by PID# 00047514 on the official zoning map and add a label for CZ #16-04 upon final approval.

**§ CZ-16-06 Rezoning of Property Located on Fayetteville Street (a portion of Moore County PIN #857000442007; Parcel ID #00046000)**

A portion of the property located on Fayetteville Street (Moore County PIN #857000442007; Parcel ID #00046000) (the “Property”) is subject to the following regulations:

- (A) The Property is hereby rezoned to R20-16-CD.
- (B) Except as specifically amended by section CZ #16-06, all provisions of the Aberdeen Unified Development Ordinance shall apply to the Property.
- (C) The following additional requirements shall apply to the Property:
  1. A Conditional Use Permit for a Community or Regional Utility Facility on the property shall be required for the uses specified by Conditional Zoning #16-06, at which time additional conditions may be attached at the discretion of the Town Board.
  2. Following any subsequent conditional use permit approval by the Board of



Commissioners, the applicant shall submit plans for an interdepartmental review to ensure compliance with UDO requirements, as well as any conditions attached to the conditional zoning and conditional use permit approvals.

3. Approval of Conditional Zoning #16-06 is contingent on approval by the entity responsible for reviewing proposals pursuant to NCGS 160A-364 regarding military notification. Any changes recommended as a result of this review will be required for the project approved by CZ #16-06 or the conditional zoning shall be considered null and void.
4. Staff is directed to enter Conditional Zoning District R20-16-CD for a portion of the property identified by PID# 00046000, as indicated on the official zoning map and add a label for CZ #16-06 upon final approval.
5. A second community meeting, to provide an additional opportunity for the applicant and adjacent property owners to work on buffering and other issues, shall be held by the applicant prior to any town public meetings regarding the conditional use permit for the project. The results of the community meeting are to be provided to the Town Board prior to the Public Hearing for the conditional use permit.

**§ CZ-17-03 Rezoning of Property Located at 165 Shepherd Trail (Moore County PIN #856011655747; Parcel ID #00049159)**

The property located at 165 Shepherd Trail (Moore County PIN #856011655747; Parcel ID #00046000) (the “Property”) is subject to the following regulations:

- (A) The Property is hereby rezoned to C-I-CD.
- (B) Except as specifically amended by section CZ #17-03, all provisions of the Aberdeen Unified Development Ordinance shall apply to the Property.
- (C) The following additional requirements shall apply to the Property:
  1. Any and all proposed changes to the site to accommodate the use authorized by CZ #17-03 are subject to an interdepartmental review of site plans to ensure compliance with UDO and other applicable requirements.
  2. Building and Fire Inspections shall be required for the building, to be coordinated through the Planning Department.
  3. Any applicable modifications to the structure shall be permitted and approved through the Building Inspections Department.
  4. Any anticipated changes in use of the property excepting those authorized by CZ #17-03 shall be reported to the Planning Department and will be contingent on necessary approval(s).

5. Staff is directed to enter Conditional Zoning District C-I-CD for property identified by PID #00049159 on the official zoning map and add a label for CZ #17-03 upon final approval.
6. Conditional and Special Use Permits for the uses on the property shall not be required for the uses specified by Conditional Zoning CZ #17-03.
7. The proposed use(s) approved by CZ #17-03 and associated activities shall in all other respects conform to the requirements of the Aberdeen Unified Development Ordinance.
8. The proposed use(s) approved by CZ #17-03 shall be required to meet all applicable requirements from other regulatory agencies prior to commencing operation.

**§ CZ-17-04 Rezoning of Property Located on North Poplar Street, Aberdeen, NC (Moore County PIN #857100509685; Parcel ID #00050835)**

The property located on Poplar Street (Moore County PIN #857100509685; Parcel ID #00050835) (the “Property”) is subject to the following regulations:

- (A) The Property is hereby rezoned to B-3-CD.
- (B) The uses of Motor Vehicle-Related Sales and Service Operations; Sales and Installation of Motor Vehicle Parts or Accessories, but No Significant Repair Work (Use 9.200 as described in Aberdeen UDO §152-146) and Motor Vehicle Repair and Maintenance, not Including Substantial Body Work (Use 9.300 as described in Aberdeen UDO §152-146) are hereby permitted on the Property.
- (C) Except as specifically amended by section CZ #17-04, all provisions of the Aberdeen Unified Development Ordinance shall apply to the Property.
- (D) The following additional requirements shall apply to the Property:
  1. A conditional use permit for the uses on the property shall be required for the uses specified by Conditional Zoning #17-04, at which time additional conditions may be attached at the discretion of the Town Board. Those conditions may include but not be limited to site-specific standards that address the impacts reasonably expected to be generated by the development or use of the site such as screening and buffering, parking area and driveway standards, and storm water management provisions.
  2. A minimum thirty (30) foot vegetated buffer as described in UDO §152-308 (A) shall be required for the property boundary fronting Poplar Street. The required buffer may utilize existing vegetation to the extent that it meets the screening and landscaping requirements, and shall be supplemented with additional

plantings to meet any deficit(s). This requirement, as well as any additional conditions of this or subsequent approvals prior to Site Plan Review, shall be reviewed by staff for compliance during the Site Plan Review process.

3. Staff is directed to enter Conditional Zoning District B-3-CD for property identified by PID #00050835 on the official zoning map and add a label for CZ #17-04 upon final approval.