



**VILLAGE COUNCIL  
AGENDA FOR WORK SESSION OF JULY 23, 2019  
ASSEMBLY HALL  
395 MAGNOLIA RD.  
PINEHURST, NORTH CAROLINA**

**IMMEDIATELY FOLLOWING THE REGULAR MEETING**

1. Call to Order.
2. Discuss Allowable Uses for NC Hwy 211 and US Hwy 15-501 Corridors.
3. Adjournment.

*Vision: The Village of Pinehurst is a charming, vibrant community which reflects our rich history and traditions.*

*Mission: Promote, enhance, and sustain the quality of life for residents, businesses, and visitors.*

*Values: Service, Initiative, Teamwork, and Improvement.*



**IMMEDIATELY FOLLOWING THE REGULAR MEETING**  
**ADDITIONAL AGENDA DETAILS:**  
**IMMEDIATELY FOLLOWING THE REGULAR MEETING**



## **DISCUSS ALLOWABLE USES FOR NC HWY 211 AND US HWY 15-501 CORRIDORS.**

### **ADDITIONAL AGENDA DETAILS:**

**FROM:**

Natalie Hawkins and Darryn Burich

**CC:**

Jeff Sanborn

**DATE OF MEMO:**

7/17/2019

**MEMO DETAILS:**

Village staff recently met with Moore County Planning Staff to discuss their request for the Village to provide input into Moore County's highway overlay corridor standards. They have requested Village input as they consider modifications to their standards. Based on our discussions with Moore County staff, the county is specifically seeking our input on uses that the Village would like to see Moore Co. prohibit on main highway corridors leading into the Village, or NC Hwy 211 and US Hwy 15-501.

Attached to this agenda item are three chapters from the Moore County UDO that describe allowable uses on the corridors, based on the applicable Moore County zoning:

1. Chapter 3 - Intent of Zoning Districts
2. Chapter 6 - Table of Uses
3. Chapter 8 - Specific Use Standards

In addition, staff has attached zoning maps of the NC Hwy 211 and US Hwy 15-501 corridors near our Village limits to indicate the county zoning in these areas. We have also attached maps indicating the location of the Moore County Urban Transition Corridor Overlay District on NC Hwy 211 and US Hwy 15-501. The intent of this overlay district is described in Chapter 3.16 of the Moore Co. UDO.

Village staff have indicated a preliminary recommendation of uses to request the County prohibit on these two key highway corridors, as shown in red and strike through on the attached document of Moore Co. UDO Chapter 6: Table of Uses. In this work session, staff is seeking Council's feedback on uses to prohibit prior to responding to Moore County's request for this information.

**ATTACHMENTS:**

Description

- ☐ Moore Co. UDO Chapter 6: Table of Uses
- ☐ Moore Co. UDO Chapter 3: Intent of Zoning Districts
- ☐ Moore Co. UDO Chapter 8: Specific Use Standards
- ☐ Highway 211 Moore Co. Zoning
- ☐ Highway 211 Moore Co. Corridor Overlay
- ☐ Highway 15-501 Moore Co. Zoning
- ☐ Highway 15-501 Moore Co. Corridor Overlay

## CHAPTER 6 TABLE OF USES

This document represents the table of uses contained in Moore County's Unified Dev Ordinance. Moore County planning staff have asked the Village to identify which uses should be prohibited on the HWY 211/15-501 corridors surrounding the Village limits. Corridors are 400 feet from the right of way. Zoning along the corridors are highlighted in yellow.

### 6.1 Use Table

- A. Permitted Uses. P = Permitted uses are a use-by-right approved by the Administrator.
- B. Conditional Uses. C = Conditional Use Permit approval required. (Refer to Chapter 12.)
- C. Conditional Zoning. Z = Condition Rezoning within a parallel conditional zoning district required. (Refer to Chapter 11.)
- D. Building Code Classification.

The "Bldg. Code Group" column is intended for reference purposes only and is subject to change without notice. Classifications should be verified by the Building Inspector and should follow the regulations of the applicable "Use & Occupancy Classification" per the 2012 NC Building Code. Change of uses will require sealed plans to be approved by the Building Inspector.

A = Assembly	M = Mercantile
B = Business	R = Residential
E = Education	S = Storage
F = Factory Industrial	U = Utility & Miscellaneous
H = Hazardous	Mix = Mixed Uses (Separation standards may apply)
I = Institutional	

- E. Prohibited Uses. Blank = Districts in which particular uses are prohibited, unless the Administrator determines that the use is similar to an allowed individual use by applying the following criteria:
  - 1. The actual or projected characteristics of the activity.
  - 2. The relative amount of site area or floor space and equipment utilized.
  - 3. Relative amounts of sales from the activity and customer type for the activity.
  - 4. The relative number of employees and hours of operation.
  - 5. Building and site arrangement and likely impact on surrounding properties.
  - 6. Types of vehicles used, parking requirements, and vehicle trips generated.

When uncertainty exists, the Administrator, after consultation with the County Attorney, shall be authorized to make the interpretation.

ACCESSORY USES & ACCESSORY BUILDINGS	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
Accessory Uses & Buildings	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.1	R, S, U

AGRICULTURAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
Agricultural Uses and Buildings (Not a Bona Fide Farm)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.2	U
Bona Fide Farm	"Bona Fide Farm" exemption status is obtained through the Moore County Planning Department.														8.3	S, U

RESIDENTIAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
<b>SINGLE FAMILY HOUSEHOLD</b>																
Accessory Dwelling Located within Stick Built Dwelling	P	P	P	P			P	P	P						8.4	R
Accessory Dwelling Located within Non-Residential Building											P	P	P		8.5	Mix
Accessory Manufactured Home	P	P	P	P			P	P	P						8.6	R
Accessory Stick Built Dwellings	P	P	P	P			P	P	P						8.7	R
Dwellings, Single Family	P	P	P	P	P	P	P	P	P						8.8	R-3
Dwellings, Duplexes	P	P				P	P								8.9	R-3
Family Care Home (6 or less)	P	P	P	P	P	P	P	P	P						8.10	I, R
Home Occupation, Level 1	P	P	P	P	P	P	P	P	P						8.11	R
Home Occupation, Level 2			C	C			C	C							8.12	R
Manufactured Home	P	P	P	P			P	P	P						8.13	R-3
Manufactured Home Park									C						8.14	Mix
Personal Workshop / Storage Building	P	P	P	P			P	P	P						8.15	R, S
Planned Unit Development - Mixed Use	Conditional Rezoning to PUD-CZ is required.														8.16	Mix
Major Subdivision	C	C						C							18.6-18.11	Mix
<b>MULTIFAMILY RESIDENTIAL</b>																
Group Care Facility									Z			C	P		8.17	I, R
Multifamily Dwellings (3 or more units per lot)	Conditional Rezoning to MF-CZ is required.														8.18	R-2
Nursing Home	C	C	C	C					C			P	P		8.19	B, I

COMMERCIAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCSL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
ANIMAL SERVICES																
Animal Shelter									C					P	8.20	B
Animal Training Facility, Military									C					P	8.21	B
Kennels, Overnight									C			C	C	P	8.22	B
Pet Day Care, Grooming, Obedience Training									C		P	P	P		8.23	B
Veterinary Clinic							P		C		P	P	P		8.24	B
OFFICES & GENERAL SERVICES																
Automatic Teller Machine (ATM)											P	P	P	P	8.25	U
Beauty / Barber Shop / Nail Salon							P				P	P	P		8.26	B
Dry Cleaning and Laundromat							P				P	P	P	P	8.27	B
Hotel and Motel													P		8.28	R-1
Office											P	P	P	P	8.29	B
Small Appliance Repair Shop											P	P	P	P	8.30	B
Tourist Home	C	C	C	C				C	C						8.31	R-3
Trade Contractor Office and Workshop											P	Z	P	P	8.32	B, S
COMMERCIAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCSL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
RETAIL SERVICES																
Auction House												P	P	P	8.33	A-3, B
Convenience Store							P		C		P	P	P	P	8.34	M
Feed and Seed Sales								C	C			P	P	P	8.35	B, M
Florist									P		P	P	P	P	8.36	B
Flea Market									C			Z	P		8.37	B, M
Garden Center											P	P	P		8.38	M, U
Manufactured or Modular Home Sales													P	P	8.39	B
Restaurant							P				P	P	P	P	8.40	A-2
Retail											P	P	P		8.41	M
Shopping Centers													Z	C	8.42	M
Wholesales											C		P	P	8.43	M

COMMERCIAL USES (CONTINUED)	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
VEHICLE SERVICES																
Boat & RV Storage					P						P		Z		8.44	S-1
Car Wash or Auto Detailing											P	P	P	P	8.45	B
Commercial Truck Wash												C	P	P	8.46	B
Parking Lot as principal use of lot											P	P	P	P	8.47	S-2
Taxi Service												Z	P	P	8.48	B, A-3
Vehicle, Auto Parts, Tires, Farm Equipment, Boat, RV - Sales, Rental, or Service											P	P	P	P	8.49	B, S-1
Vehicle Service Stations (Gas Stations)											Z	P	P	P	8.50	M
Vehicle Wrecker Service												Z	Z	P	8.51	S-1
ADULT USES																
Adult Gaming Establishments														C	8.52	B
Bars / Tavern											C		P		8.53	A-2
Brewery / Winery									C		P		P	P	8.54	A-2, F
Dance Club, Night Club, Billiard											Z		P		8.55	A-2, A-3
Distillery														P	8.56	F-1
Massage & Bodywork Therapy Practice, Unlicensed													P		8.57	B
Pawn Shop											Z		P	P	8.58	B
Sexually Oriented Business														Z	8.59	A-2, M
Tattoo Parlor, Body Piercing													P		8.60	B

EDUCATIONAL & INSTITUTIONAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
Cemetery or Mausoleum, Commercial			C	C			C		C			P			8.61	n/a
Cemetery, Family	P	P	P	P	P	P	P	P	P						8.62	n/a
Child Care Facility	C	C	C	P		C	C	C	C		C	P	P		8.63	E, I
Child Care Home Facility	C	P	P	P			C	C	P						8.64	E, R
Colleges, Business & Trade Schools									C				P	P	8.65	B
Funeral Home, accessory crematorium											P	P	P	P	8.66	A-3, B
Government Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.67	B
Hospital	P	P	P	P	C	C	P	P	P	P		P	P	P	8.68	I
Museums and Art Galleries									C		P	P	P		8.69	A-3
Religious Institutions	P	P	P	P	P		P	P	P	P	P	P	P		8.70	A-3, E
Security Training Facility									C						8.71	B
Schools, Elementary, Middle, High												P	P		8.72	E

RECREATIONAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
Accessory, Swimming Pool	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.73	A, R
Airport, Public or Private									C					Z	8.74	A-3, B
Airstrip, Small Private									C			P			8.75	B
Assembly Hall						Z			C		Z		Z	P	8.76	A-4, A-5
Camp or Care Centers									P						8.77	A-3, R-1
Campground, Public and Private									P						8.78	A-3, R-1
Camp, Recreation Day									P						8.79	A-3
Civic / Social Club, Lodge, & Organization			P	P	C	C			C		P	P	P		8.80	A-2, A-3
Golf Driving Range					C	C				P			P		8.81	A-3
Golf Course, including Par 3					C	C				P			P		8.82	U
Marina (fuel supplies)					P	P									8.83	M
Neighborhood Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.84	U
Recreation, Indoor											C	C	P		8.85	A-5
Recreation, Low Impact Outdoor		P P	P	P	P	P	P	P	P		C	P	P		8.86	A-5
Recreation, High Impact Outdoor									C		C		P		8.87	
Shooting Range, Indoor									C				P		8.88	A-5
Shooting Range, Outdoor									C				P		8.89	A-5
Zoo, Petting Zoo									C				P		8.90	A-5, U

INDUSTRIAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
PRODUCTION																
Manufacturing, Light (no odors, no smoke)														P	8.91	F
Manufacturing, General														Z	8.92	F-1, F-2
UTILITIES / SERVICES																
Amateur Radio and Receive-only Antennas	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.93	U
Contractors Storage Yard and Office									C				P	P	8.94	S-1, U
Crematorium Facility													Z	P	8.95	B
Public & Private Utility Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.96	U
Solar Collector Facility														C	8.97	U
Solar Collectors, On-Site Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.98	U
Wireless Communication Facility									Z				Z	Z	8.99	U
Collocation on Existing WCF	P	P	P	P			P	P	P	P	P	P	P	P	8.100	U



INDUSTRIAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
WAREHOUSING																
Mini-Warehouse (Self-Service)						P					Z	Z	P	P	8.101	S
Warehousing and/or Distribution Center									Z				C	P	8.102	S-1, S-2
WASTE RELATED SERVICES																
Debris Management Facility									Z			Z		P	8.103	U
Hazardous Waste /Toxic Chemicals Disposal or Processing														C	8.104	U
Landfill														C	8.105	U
Mining / Quarry Operation									C					C	8.106	U
Salvage Yard														C	8.107	U

TEMPORARY USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
Construction Office, Temporary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.108	S-1
Drop-In Child Care Facility											P	P	P		8.109	
Itinerant Merchant											P	P	P	P	8.110	n/a
Land Clearing	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.111	F-1
Manufactured Home or RV, Temporary	P	P	P	P			P	P	P						8.112	R-3
Real Estates Office, Temporary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.113	S-1
Temporary Events (Special Event)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.114	n/a
Yard Sales, Residential and Civic	P	P	P	P	P	P	P	P	P			P	P		8.115	n/a

## CHAPTER 3

### INTENT OF ZONING DISTRICTS

#### 3.1 Zoning Districts Established

NCGS 153A-342 authorizes the County to establish general use zoning districts, as well as conditional zoning districts and overlay districts. For the purposes of this Ordinance, the County of Moore is divided into the following classes of zones:

General Use Zoning Districts			
RA	Rural Agricultural	GC-SL	Gated Community Seven Lakes
RA-20	Residential and Agricultural – 20	GC-WL	Gated Community Woodlake
RA-40	Residential and Agricultural – 40	PC	Public and Conservation
RA-2	Residential and Agricultural – 2	B-1	Neighborhood Business
RA-5	Residential and Agricultural – 5	B-2	Highway Commercial
RA-USB	Rural Agricultural Urban Service Boundary	VB	Village Business
RE	Rural Equestrian	I	Industrial
Conditional Zoning Districts			
CZ	Parallel Conditional Zoning	PUD-CZ	Planned Unit Development
MF-CZ	Multi-Family		
Overlay Zoning Districts			
HCOD	Highway Corridor Overlay Districts	FH	Flood Hazard Overlay District
WPO	Watershed Protection Overlay Districts		

#### 3.2 Rural Agricultural (RA) District

A district intended to encourage the continuance of agricultural uses as well as to ensure that residential development of appropriate intensities that area consonant with the suitability of land, availability of public services, and that are compatible with surrounding development, will occur at appropriate densities to provide a healthful environment. The RA District is also intended to accommodate rural commercial activities where the use of site specific development plans, individualized development conditions, vegetative buffers, larger lots, and the compatibility of adjacent land uses are considered to provide suitable locations for rural commerce and other rural activities.

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

Districts in which the principal use of the land is for single family dwellings, duplexes and agricultural use and discouraging any use which would generate traffic on minor streets other than normal traffic to serve residences on those streets.

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

Districts in which the principal use of the land is for low-density residential and agricultural purposes and to discourage any use which would generate traffic on minor streets other than normal traffic to serve the residences and farms on those streets.

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

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

### **3.6 Rural Equestrian (RE) District**

A district created to acknowledge what has become known as "Horse Country" in Moore County.

### **3.7 Gated Community Seven Lakes (GC-SL) and Woodlake (GC-WL) District**

A district created to reflect existing unincorporated Gated Communities. Primarily governed by restrictive covenants, district regulations are designed to reflect deeded covenant restrictions.

### **3.8 Public and Conservation (P-C) District**

A district in which the primary use of land is reserved for flood control, future thoroughfare rights-of-way, public recreation, community facility sites, forests and other similar open spaces which will encourage the continued use of land for conservation purposes.

### **3.9 Neighborhood Business (B-1) District**

A district to provide for the development of commercial and service uses that serve community's commercial needs, are accessible by residents from surrounding neighborhoods, and are of such nature so as to minimize conflicts with surrounding residential areas.

### **3.10 Highway Commercial (B-2) District**

A district to provide for the development of commercial and service centers that serve community, countywide, or regional commercial needs, are accessible by residents from surrounding neighborhoods, and are of such nature so as to minimize conflicts with surrounding residential areas.

### **3.11 Village Business (VB) District**

A district created to acknowledge the developed business area surrounding the Gated Community of Seven Lakes.

### **3.12 Industrial (I) District**

A district provide public and private uses of a production, warehousing, distribution, and industrial related services nature.

### **3.13 Parallel Conditional Zoning Districts**

For the general use zoning districts described in this section there are established parallel Conditional Zoning Districts. Conditional rezoning affords a degree of certainty in land use decisions not possible when rezoning to a general district. Conditional Zoning Districts are established to provide for flexibility in the development of property while ensuring that the development is compatible with neighboring uses.

### **3.14 Multi-Family Conditional Zoning District**

A district designed to accommodate a variety of attached single-family dwellings.

### **3.15 Planned Unit Development Conditional Zoning District**

A district to provide for unified large scale residential, non-residential, and mixed-use developments that promote economical and efficient land use, improved level of amenities, creative design, and a better environment through the approval of a master plan that permits defined flexibility to accommodate land use adjustments in response to evolving market trends.

### **3.16 Highway Corridor Overlay District**

The Highway Corridor Overlay District (HCOD) is intended to maintain or enhances the natural scenic beauty of designated corridors viewed by travelers. Three HCOD districts have been established. Wherever standards of the underlying zoning district differ from the watershed overlay standards, the more restrictive provisions shall apply.

- A. Rural Highway. The Rural HCOD overlays the zoning along portions of the following roadways as depicted on the official zoning map, not including any municipal zoning jurisdiction: US 1 Highway, US Highway 15/501, NC 22 Highway, NC Highway 211. Commercial, Industrial and Office Professional elements along these corridors shall be intermittent and clustering of these elements is encouraged at appropriate centralized locations.
- B. Urban Transition. The Urban HCOD overlays the zoning along portions of the following roadways as depicted on the official zoning map, not including any municipal zoning jurisdiction: US 1 Highway, US Highway 15/501, NC 211 Highway. There shall be a balance of residential, recreational, commercial, industrial and office professional uses. These highway sections are best suited for providing a balance of naturalized and manmade conditions.
- C. Urban/Village. The Urban/Village HCOD overlays the zoning along a portion of the following roadway as depicted on the official zoning map: N.C. 211 Highway. This district allows for denser land use patterns for commercial and residential development,

however, the visual aspects of the development along these corridors shall be defined by an emphasis on landscape elements.

### **3.17 Watershed Protection Overlay Districts**

In accordance with NCGS Chapter 143 Chapter 21, three Watershed Protection Overlay Districts have been established to preserve the quality of the region's drinking water supplies. Wherever standards of the underlying zoning district differ from the watershed overlay standards, the more restrictive provisions shall apply.

### **3.18 Flood Hazard Overlay District**

In accordance with NCGS Chapter 143 Chapter 21, this overlay district is established to minimize public and private losses due to flood conditions within flood prone areas.

### **3.19 District Boundaries Shown on Zoning Map**

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

### **3.20 Interpretations of District Boundaries**

Where uncertainty exists as to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

- A. Where such district boundaries are indicated as approximately following street, highway lines, or lot lines, such lines shall be construed to be such boundaries.
- B. Where a district boundary line divides a lot or tract in single ownership, the district requirements for the least restricted portion of such lot or tract shall be deemed to apply to the whole lot or tract. The term "least restricted" shall refer to zoning restrictions, not lot or tract size.

## CHAPTER 8

### SPECIFIC USE STANDARDS

#### 8.1 Accessory Uses or Buildings

- A. Definition. An accessory use or building shall be incidental and subordinate to the principal use or building and shall be conducted or located on the same lot. Examples of accessory buildings may include garages, carports, barns, and storage buildings.
- B. Standards. Accessory buildings shall be located in the rear or side yard, with the exception of the RA Zoning District which allows accessory buildings in the front yard, and shall meet the required accessory building setbacks. Accessory horse stables are permitted in the front or side yard in the RA and RE Zoning Districts.
- C. Exempt Accessory Buildings. The issuance of a zoning permit is not required for any proposed accessory building less than 12 feet in any direction, or if a building permit is not required, though any change of use requires zoning approval. Any development within floodplains, wetlands, or watersheds requires approval. Portable storage containers known as pods that are designed and constructed for the storage of household goods and any container including shipping containers are exempt from requiring a zoning permit but shall be limited to 6 months as an accessory building on any residential lot, unless otherwise permitted by this Ordinance.

#### 8.2 Agricultural Uses and Buildings (Not a Bona Fide Farm)

- A. Definition. The following types of agricultural uses of land and related buildings, being a principal use or accessory to residential or non-residential uses, when not associated with a bona fide farm, shall receive zoning and building approval, in addition to complying with all applicable local, state, and federal regulations:
  - 1. Animal & Poultry. Feeding (including grazing), breeding, managing, selling, or producing livestock (such as cattle, hog, poultry, sheep, horses; not including dogs and cats), bee hives, fish, poultry, dairying and the sale of dairy products, animal and poultry husbandry.
  - 2. Buildings. Any farmhouse, barn, poultry house or other farm buildings, including tenant or other dwellings units for persons working on said farms, so long as such dwellings shall be in the same ownership as the farm and located on the farm.
  - 3. Equine Industry. Stabling, boarding, or training equines, providing riding lessons, training clinics, schooling shows, and similar uses.
  - 4. Plant Related. Pasturage, horticulture, orchards, raising, harvesting, and on-site selling of crops, plants, fruits and vegetables of all kinds, Christmas trees, viticulture,

silviculture, forestry, hydroponics, floriculture, aquaculture, orchards, vineyards, and plant nurseries.

5. Private Farms. The owning, breeding, leasing, recreational usage and training of any farm animals, bees and aviary products.
6. Sales of Agricultural Products. A principal or accessory building or structure erected for the display and sale of on-site or off-site agricultural products. Additional products not of an agricultural nature shall not exceed 10% of merchandise. In no case shall a recreational vehicle be used as part of this facility. "Sales of Agricultural Products" include the terms: road side stand, produce stand, and farmer's market. A winery or brewery may be permitted as an agricultural use only if operated in association with an on-site existing vineyard or grain farm. Wineries or breweries selling imported wine or beer are separate definitions.
7. Accessory. Necessary accessory uses for packing, treating, or storing the produce, provided that the operation of the accessory use is clearly incidental to the agricultural activity. Examples may include offices, storage areas, barns, stables, irrigation systems, and repair facilities related to agricultural use.
8. Any combination thereof.

### 8.3 Bona Fide Farm

- A. Definition. Per NCGS 153A-340 and 106-581.1, a bona fide farm is any tract of land where the land is used for one or more of the below classifications when performed on the farm and includes and any other farm owned or leased to or from others by the bona fide farm operator, no matter where located:
  1. The production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, swine, poultry.
  2. The cultivation of soil for production and harvesting of crops, including but not limited to fruits, vegetables, sod, flowers and ornamental plants.
  3. The planting and production of trees and timber.
  4. Dairying and the raising, management, care, and training of livestock, including horses, bees, poultry, and other animals for individual and public use, consumption, and marketing.
  5. Aquaculture as defined in NCGS 106-758.
  6. The operation, management, conservation, improvement, and maintenance of a farm and the buildings and structures on the farm, including building and structure repair, replacement, expansion, and construction incident to the farming operation.
  7. When performed on the farm, "agriculture", "agricultural", and "farming" also include the marketing and selling of agricultural products, agritourism, the storage and use of materials for agricultural purposes, packing, treating, processing, sorting, storage, and other activities performed to add value to crops, livestock, and agricultural items produced on the farm, and similar activities incident to the operation of a farm.

8. Any structure used or associated with equine activities, including, but not limited to, the care, management, boarding, or training, or horses, the instruction and training of riders, and therapeutic equine facilities operated by an organization exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code that provides therapeutic equine-related activities for persons who are physically, intellectually, or emotionally challenged.
  9. A public or private grain warehouse or warehouse operation where grain is held 10 days or longer and includes, but is not limited to, all buildings, elevators, equipment, and warehouses consisting of one or more warehouse sections and considered a single delivery point with the capability to receive, load out, weigh, dry, and store grain.
- B. Exempt from Zoning. Farms that obtain bona fide farm status by the Moore County Department of Planning become exempt from the provisions of this Ordinance. Any of the following shall constitute sufficient evidence for classification of a bona fide farm:
1. A farm sales tax exemption certificate issued by the Department of Revenue
  2. A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to NCGS 105-277.3
  3. A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return
  4. A forest management plan
- C. Agricultural Tourism (Agritourism). Per NCGS 153A-340 and 99E-30, agritourism is any:
1. Activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, or natural activities and attractions, and an activity involving any animal exhibition at an agricultural fair licensed by the Commissioner of Agriculture pursuant to G.S. 106-520.3. An activity is an agritourism activity whether or not the participant paid to participate in the activity. Examples of agritourism may include sales of agricultural and/or plant products (u-pick operations or road side stands), hay rides, horse farms (breeding, boarding, riding lessons, training, buying selling, showing, racing, etc.), corn mazes, tours, class field trips, wineries, and breweries. It does not include: shooting ranges, rides on non-farm recreational equipment including motorcycles or all-terrain vehicle (ATV).
  2. A building or structure that is used for agritourism is a bona fide farm purpose if the building or structure is located on a property that is owned by a person who holds a qualifying farmer sales tax exemption certificate from the Department of Revenue pursuant to G.S. 105-164.13E(a) OR is enrolled in the present-use value program pursuant to G.S. 105-277.3. Failure to maintain the requirements of this subsection for a period of 3 years after the date the building or structure was originally



classified as a bona fide purpose pursuant to this subdivision shall subject the building or structure to applicable zoning and development regulation ordinances adopted by Moore County in effect on the date the property no longer meets the requirements of this subsection. A building or structure used for agritourism includes any building or structure used for public or private events, including, but not limited to, weddings, receptions, meetings, demonstrations of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting.

- D. Accessory Uses. Accessory uses to bona fide farms are also exempt including buildings and structures that are associated with farming activities, including, but not limited to, free standing or attached sheds, greenhouses, or other structures that are utilized to store any equipment, tools, commodities, or other items that are maintained or used in conjunction with farming activities. Existing or new residences constructed to the applicable residential building code situated on the farm occupied by the owner, lessee, or operator of the farm and other buildings or structures sheltering or supporting the farm use and operation.
- E. Supplemental. Certain building code and environmental health requirements may still apply but zoning permits are not required.

#### 8.4 Accessory Dwelling Located within a Stick Built Dwelling

- A. Definition. An addition (such as a mother-in-law suite) to an existing single family stick-built dwelling, containing separate sleeping, kitchen, and bathroom facilities.
- B. Standards. No more than 1 accessory dwelling located within a principal dwelling per lot.

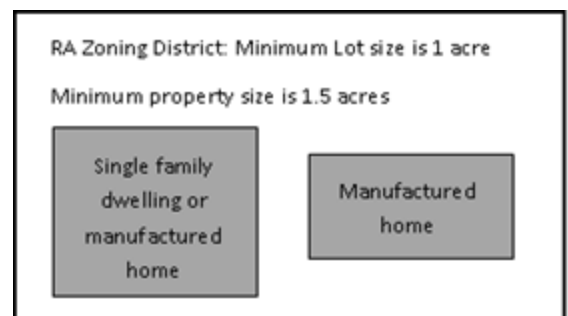
#### 8.5 Accessory Dwelling Located within a Non-Residential Building

- A. Definition. An accessory dwelling, containing separate sleeping, kitchen, and bathroom facilities, located within a non-residential building.
- B. Standards. No more than 2 accessory dwellings may be located within the principal nonresidential building. Fire resistance separation may be required per the NC Building Code.

#### 8.6 Accessory Manufactured Home

- A. Definition. An accessory manufactured home located on the same lot as the principal single-family dwelling OR principal manufactured home.
- B. Standards.

- a. There shall be no more than 2 manufactured homes per lot. There shall be a minimum of 1.5 times the

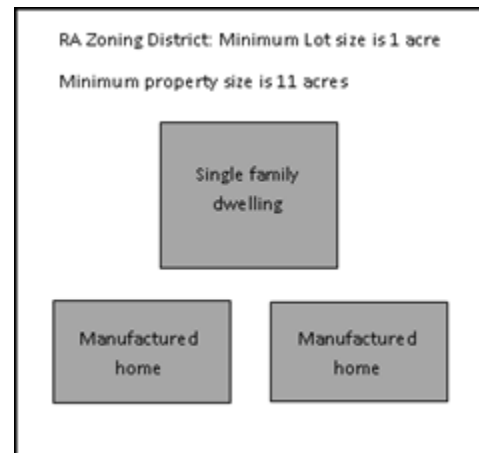


minimum lot size requirement for the applicable zoning district for an accessory manufactured home.

- b. There shall be an additional 10 acres of land beyond the minimum lot size for the applicable zoning district allotted for the 2<sup>nd</sup> accessory manufactured home, in addition to a dwelling. Accessory dwellings shall meet the required principal building setbacks with a minimum separation of 30 feet between any dwellings. An accessory dwelling may be located in the front yard provided it meets the required principal building setbacks.

(A lot that existed prior to January 4, 1994

may be developed for single-family residential purposes without being subject to watershed regulations.)



## 8.7 Accessory Single Family Dwellings

- A. Definition. An accessory (2<sup>nd</sup>) single-family dwelling may be located on the same lot as the principal single-family dwelling. The accessory dwelling may be combined with a detached garage, workshop, barn (barn apartments), etc.
- B. Standards. There shall be no more than 2 accessory dwellings per lot. There shall be an additional 10 acres of land allotted for the 3<sup>rd</sup> dwelling. Accessory stick-built dwellings shall meet the required principal building setbacks with a minimum separation of 30 feet between any dwellings. An accessory dwelling may be located in the front yard provided it meets the required principal building setbacks. (A lot that existed prior to January 4, 1994 may be developed for single-family residential purposes without being subject to watershed regulations.)

## 8.8 Dwelling, Single Family

- A. Definition. A detached dwelling unit containing sleeping, kitchen, and bathroom facilities constructed in accordance with the standards set forth in the NC Building Code, used as a permanent residence by 1 family.
- B. Parking. 1 space per dwelling.
- C. Prohibited. Permanent dwellings shall not include a travel trailer, park model, recreational vehicle, motel, hotel, or other buildings designed for transient residence unless specified elsewhere in this Ordinance.

## 8.9 Dwelling Duplex

- A. Definition. A residential building originally designed for 2 dwellings of 2 separate families living independently of each other. Each unit is completely separate from the other by a wall extending from the ground to the roof.
- B. Standards. 1 duplex shall be permitted per lot. More than 1 duplex per lot may only be approved as a Multi-Family Dwelling (3 or more units per lot). 1 parking space per dwelling.

## 8.10 Family Care Home (6 or less)

- A. Definition. A maximum of 6 handicapped persons, as defined by NCGS 168-21(2), may occupy a family care home. A family care home shall be in a building designated and constructed as a single-family dwelling.
- B. Minimum Separation. Per NCGS 168-22, a family care home may not be located within 1/2 mile of another family care home as measured by a straight line distance, from property line to property line. It shall be the responsibility of the applicant to supply such information.
- C. Prohibited. The term “handicapped” does not include the following:
  - 1. Mentally ill persons who are dangerous to others as defined in G.S. 122C-3(11)b;
  - 2. Those who present a direct threat to other people or to the property of others;
  - 3. Per the Federal Fair Housing Act. 42 U.S.C. GS 3601-3631, handicapped does not include current illegal use of a controlled substance;
  - 4. Persons convicted of the illegal manufacture or distribution of a controlled substance;
  - 5. Sex offenders;
  - 6. Halfway home for homeless people; or
  - 7. Children from juvenile court or juvenile offenders.

## 8.11 Home Occupation, Level 1

- A. Definition. Any business, occupation, or activity undertaken for gain that is incidental and secondary to the use of the single family dwelling.
- B. Standards. 1 home occupation shall be permitted per lot. Level 1 Home Occupations shall be limited to a maximum of 25% of 1 floor of the principal building, the entirety of an accessory building, or a combination thereof. The accessory building shall be less than or equal to the square footage of the principal building and shall be located in the rear yard. The operator of the home occupation must reside on the same lot. Only 1 person not a resident of the dwelling may be employed. Home occupations involving instruction, teaching, or training shall be limited to 5 students or participants at one time. Signage shall be limited to 1 sign of 4 square feet in area. 1 parking space per home occupation in addition to residence requirements. Any use that exceeds 1 or more

of the specific standards is automatically a Level 2 Home Occupation. The following uses are those that have been determined to be suitable as a Level 1 Home Occupation:

1. Beauty / Barber Shop / Nail Salon
  2. Office
  3. Produce Stand
  4. Small Appliance Repair Shop (no outdoor storage)
  5. Trade Contractor Office and Workshop (no outdoor storage)
- C. Prohibited. No element of any home occupation may create odors, light, noises or interference in radio or television reception detectable to adjoining properties. No outside, window or any other display of products. No outside storage shall be used in connection with the home occupation.
- D. Exempt. The following does not require zoning approval: Home Occupations utilizing no more than 1 room within the dwelling for no more than 1 computer and/or 1 desk type activity only, does not including any signage or display of products, does not typically generate more traffic volume beyond 1 customer per day, and only up to 2 residents of said dwelling is employed in connection with the home occupation. Examples may include online sales businesses (jewelry making or embroidery), tax preparer, or scrapbooking.

## **8.12 Home Occupation, Level 2**

- A. Definition. Any business, occupation, or activity undertaken for gain that is incidental and secondary to the use of the dwelling unit. Level 2 Home Occupations are of a more intensive nature due to the types of uses operated.
- B. Standards. 1 home occupation shall be permitted per lot. Level 2 Home Occupations shall be limited to a maximum of 50% of the gross floor area of the principal building, the entirety of an accessory building, or a combination thereof. The operator of the home occupation must reside on the same lot as the operation. More than one individual, not a resident of the dwelling may be employed. The specific use to be operated as the home occupation must comply with the specific uses standards, signage, parking, outdoor storage, screening, and other applicable regulations. The following uses are those that have been determined to be suitable as a Level 2 Home Occupation:
1. Animal Shelters (Section 8.20)
  2. Kennels, Overnight (Section 8.22)
  3. Pet Day Care, Grooming, Obedience Training (Section 8.23)
  4. Small Appliance Repair Shop (may include outdoor storage) (Section 8.30)
  5. Trade Contractor Office and Workshop (may include outdoor storage) (Section 8.32)
  6. Feed and Seed Sales (Section 8.35)
  7. Florist (Section 8.36)
  8. Garden Center (Section 8.38)
  9. Taxi Service (Section 8.48)

10. Vehicle, Auto Parts, Tires, Farm Equipment, Boat, RV - Sales, Rental, Service (Section 8.49)
11. Child Care Facility (Section 8.62)
12. Recreation, Low Impact Outdoor (Section 8.85)
13. Contractors Storage Yard and Office (Section 8.93)

- C. Prohibited. No element of any home occupation may create odors, light, noises or interference in radio or television reception detectable to adjoining properties. No outside, window or any other display of products.

### **8.13 Manufactured Home**

- A. Definition. A factory built single-family dwelling, which is manufactured under the authority of the Federal Manufactured Home Construction and Safety Standards Act of 1976.
- B. Standards. Prior to Zoning Permit expiration a Building Permit shall be issued. Before a Certificate of Occupancy is issued, all manufactured homes shall have either a solid foundation or skirting that fully encloses the crawl space and all utilities per NC Building code. All manufactured homes placed or located on any lot, if constructed after June 15, 1976 must display the HUD label indicating that the unit meets or exceeds the construction standards approved by the U.S. Department of Housing and Urban Development. A manufactured home that was constructed prior to June 15, 1976 that is already located within Moore County may be moved within the County provided all permits are obtained for set-up.
- C. Prohibited. No manufactured home (mobile home, trailer, manufactured office, etc.) shall be used in any manner for storage (personal or commercial), business or commercial purposes except when used for a sales office on a manufactured home sales lot, an administrative office for a manufactured home park, or for a temporary use approved by the Administrator.

### **8.14 Manufactured Home Park**

- A. Definition. A parcel of land, with single control or ownership, designed and improved for 3 or more individual spaces of said parcel that are leased for the placement of manufactured homes as a primary residence. Where properly regulated and located, manufactured home parks address the public need for alternative housing and achieve a satisfactory relationship to adjoining and nearby property.
- B. Existing manufactured home parks. Removal and replacement of units on existing lots or spaces, existing at the time of adoption of this Ordinance, are permitted.
- C. Lot Layout.
  1. Minimum Property Size – 3 acres
  2. Maximum Density - 2 units per acre
  3. Peripheral Buffer including any ROW– Type 3 Screening (Section 7.11)

4. Minimum Street Frontage – 100 feet
  5. Minimum Home Space Size – 10,000 square feet
  6. Off-Street Parking – Each home space shall have 2 parking spaces.
- D. Site Plan. The site plan shall be prepared by a licensed engineer, architect, or surveyor, which depicts the proposed general design and arrangement of uses and buildings. The site plan shall be submitted and reviewed in accordance with Chapter 4 (Zoning Permits). In addition, the following requirements shall be met on the site plan: lighting plan, streets, peripheral buffer, home spaces, phase lines, and land contours.
- E. Lighting. Adequate lighting shall be provided for all common areas, streets, walkways, and dead-end streets for the safe movement of vehicles and pedestrians at night.
- F. Utilities. All utilities shall be located underground. There shall be easements dedicated for utilities including, but not limited to water, sewer, gas, and electrical as shown on the site plan. For MHPs with more than 20 units, public water or wastewater shall be provided. All water and sewage facilities shall be designed and installed according to the standards of the Moore County Department of Public Works, Department of Environmental Health, and NC Department of Environmental Quality.
- G. Streets. All roadways within a MHP shall be located outside of the home space. No space shall have direct access to a public street. A park having 5 or more spaces shall have paved roadways designed and constructed in compliance with NCDOT's Subdivision Roads Minimum Construction Standards as certified by a professional NC Engineer. Unpaved roadways shall be graveled to a minimum width of 20 feet, depth of 4 inches, with a minimum vertical clearance of 13 feet 6 inches for accessibility by service and emergency vehicles before a Certificate of Occupancy is issued. All dead end roadways shall be provided with a turn-around, pursuant to Section 18.7(I). Permanent roadway name signs and stop signs shall be installed at intersections to all internal roadways. Maintenance of all internal streets and corresponding drainage facilities shall be the responsibility of the owner(s) of the park.
- H. Operational Accessory Uses. Customary accessory uses provided by the property owner, shall be only for the use of park tenants, and shall not have direct access to a public road, but shall abut the internal roadway, including laundry facilities, sanitation, vending machines, recreation buildings and areas, and similar uses.
- I. Administrative office. 1 administrative office may be located in a manufactured home which is used as a residence by the resident manager.
- J. Storage buildings. Each manufactured home lot may be equipped with a storage building located to the rear of the manufactured home.
- K. Phasing. When a MHP is to be developed in phases, the proposed plan must be submitted for the entire development, and application for a zoning permit shall be made for each phase and spaces may then be rented upon issuance of the building permit.

- L. Occupancy. No building permits shall be issued until the MHP has completed construction per the approved site plan. In addition, the following shall be complete before a building permit for a manufacture home or accessory building is issued, as approved by the Administrator:
1. There shall be a minimum of 3 improved manufactured home spaces at first occupancy.
  2. The entrance either abuts an NCDOT street or shall be constructed pursuant to NCDOT's Subdivision Roads Minimum Construction Standards Manual before a building permit is issued.
  3. Site inspection by all applicable departments and agencies.

#### **8.15 Personal Workshop / Storage Building**

- A. Definition. A building to be used for storage or personal workspace, consistent with the type of storage allowed in a residential accessory building, owned and used solely by the owner of the property on which it is to be located. Such buildings cannot be rented and shall not be used in any manner that would not be allowed in the zoning district in which it is located.
- B. Standards. Said building may be built prior to the principal dwelling unit and only one 1 is allowed on the property in the absence of a principal dwelling unit. The personal workshop/storage building may not be located on a parcel smaller than 2 acres. The personal workshop/storage building must meet the principal building setbacks of the underlying zoning district.

#### **8.16 Planned Unit Development**

- A. Definition. A minimum area of 25 acres to be planned and developed as single integrated unit under unified control, adhering to a site plan designed to provide flexibility in building locations and in combining various land uses, making it possible to achieve certain economics in construction, as well as the preservation of open space and the inclusion of many amenities.
- B. Submittal. The property owner shall apply to have the parcel(s) rezoned to Planned Unit Development - Conditional Zoning District (PUD-CZ) in accordance to Chapter 11 (Conditional Rezoning). The application for approval shall be accompanied by a site specific development plan and a preliminary plat submitted in accordance with Section 4.2.C (Site Plan Requirements), Chapter 11 (Conditional Rezoning), and Section 18.6-16 (Major Subdivisions). The site plan and preliminary plat shall be prepared by a licensed engineer or surveyor. In addition, the submittal shall include:
1. Minimum 30% open space in compliance with Section 18.8(D-E);
  2. Peripheral Buffer including street ROW– Type 3 Screening (Section 7.11);
  3. General location of proposed water and sewer system, fire service, and solid waste disposal plans;
  4. Applicable Specific Use Standards (Chapter 8);

5. Total and per phase: lot lines, street right-of-ways, buildings and uses, amenities, number of dwelling units, square footage for each type of non-residential use, impervious surfaces, and density.
  6. If provided, on-street parking may be used to reduce the on-site parking requirement by up to fifty percent (50%). All parking areas shall be paved.
- C. UDO Compliance. The PUD shall be in compliance with all relevant portions of the UDO, except that variations from these standards may be approved by the Board of Commissioners if the site plan is submitted and determined to be suitable for the PUD, is consistent with the intent of the standards, and ensures compatibility with land uses on surrounding properties.
- D. Allowed Uses. Mixing land uses offers design alternatives to building types and lotting patterns. The proposed uses shall be a mixture of residential and/or non-residential uses. All uses permitted by right and conditional uses are allowed, subject to approval by the Board of Commissioners. No commercial construction may be commenced until a minimum 50% of the proposed dwelling units or 100 dwelling units, whichever is smaller, are completed and ready for occupancy.
- E. Density and Dimensional Standards. All density and dimensional standards shall be established by the Board of Commissioners at the time of approval. PUD's shall be in accordance with watershed cluster development density requirements (Section 15.6).
- F. Proposed phases. The submittal shall include a phasing plan and timeline for the development if applicable. If more than one phase is proposed, then the project improvements and amenities that are necessary or desirable for residents of the project, shall be constructed with the first phase of the project, or if this is not possible, then as early in the project as is technically feasible, as approved by the Board of Commissioners. A maximum of 50% of the building permits shall be permitted prior to completion of all infrastructure improvements. Should the developer wish to secure the remaining building permits prior to installation of all improvements, the developer shall obtain a guarantee per Section 18.13.
- G. Planning Board Recommendation. That Planning Board shall examine the application for the establishment of a PUD-CZ District and shall, as a minimum, consider the following matters:
1. The site plan, preliminary plat, and regulatory standards imposed on the PUD-CZ District is designed to accomplish the purposes listed in Section 3.15;
  2. Ingress and egress to property, pedestrian circulation, signage, and proposed buildings and structures with reference to traffic safety and compatibility with properties in the area;
  3. Documentation of preliminary approval of water and/or sewerage systems, and other essential services, whether public or private, with reference to location, availability, sufficiency, and maintenance;



4. Existing conditions such as wooded areas, streams, wetlands, floodplain, watershed, contour lines, utility lines, proposed amenities, open space, vegetative screening, peripheral buffer, paved parking areas, on-street parking; and
  5. Informational table listing the deed book and page references noted for each parcel within the site, total number of acres, proposed use categories (ie. residential, commercial), total number of dwelling units, total square footage for each type of non-residential use, and total density.
- H. Approval. An approved Conditional Zoning District and all conditions attached are binding on the property. After approval of the site plan and preliminary plat, the applicant can submit to receive the following approvals pursuant to Section 18.6-13 (Major Subdivisions), as applicable:
1. Construction plans
  2. Installation and inspections of improvements
  3. As-built drawings submittal and approval
  4. Final plat approval
- I. Deviations from Site Plan. The Administrator shall accommodate for deviations to the approved layout including, but not limited to, small site alterations such as realignment of streets and infrastructure. Substantial changes including, but not limited to, more than 10% increase density, requires approval by the Board of Commissioners.

#### **8.17 Group Care Facility**

- A. Definition. An inpatient facility which provides supervision, medical care, behavioral and rehabilitation services, counseling, and may include outpatient follow-up care, for juveniles or adults including, but not limited to the mental or physically disabled, runaways, persons addicted to drugs, children undergoing rehabilitation or extended care, or battered spouses. This definition includes the terms homeless shelters, group homes for ex-convicts, halfway/transitional houses, boarding homes for children, psychiatric facilities, and drug and alcohol rehabilitation facilities.
- B. Standards. Facilities including halfway/transitional houses, homeless shelters, psychiatric facilities, or facilities serving individuals with drug addictions or prior criminal conduct shall require a conditional use permit. Minimum habitable floor space of 100 square feet shall be provided for each individual. 1 parking space per 2 beds plus 1 space for each employee on the largest shift.
- C. Supplemental. The applicant shall submit a security plan outlining management, on-site supervision, security provisions, maximum occupancy, crime prevention, alcohol, and drug use policies.

#### **8.18 Multifamily Dwellings (3 or more units per lot)**

- A. Definition. A building containing 3 or more dwellings per lot, including condominiums, or apartment complexes (including senior citizen apartment complexes). Does not

include manufactured home parks, secondary detached dwelling units, planned unit developments, or nursing homes.

- B. Conditional Rezoning. Prior to the construction, the property owner shall apply to have the parcel rezoned to Multifamily Dwelling Conditional Zoning District (MF-CZ) in accordance to Chapter 11 (Conditional Rezoning).
- C. Setbacks. All buildings, outdoor recreational activities, and parking shall be located a minimum 50 feet from any residentially zoned property line. Refer to the specific use standards for swimming pool requirements.
- D. Utilities. Applications including more than 20 units shall be accompanied by the proposed solid waste storage facilities, sanitary sewage, proposed water system and firefighting facilities such as hydrants and sprinkler connections.
- E. Parking. 2 spaces per dwelling unit. Individual parking spaces shall not have direct access to the street.
- F. Recreation Area. Recreational areas shall be clearly defined. Any playground equipment shall be a minimum 10 feet from any property line and enclosed with permanent fencing a minimum 5 feet in height.
- G. Ownership of Common Areas. In cases where no Homeowners' Association is created, the developer shall be responsible for continued maintenance of recreational open space areas. In any multifamily development in which lots and/or units are individually sold, a Homeowners' Association (HOA) shall be required per the requirements set forth in Section 18.8(E).

#### **8.19 Nursing Home**

- A. Definition. A facility for more than 6 people, providing housing, food service, and may also provide individual assistance with some medical needs or housekeeping. The facility may also provide recreation facilities and some personal service shops such as a gift shop and barber shop if located within the building and serves patrons of the facility and their visitors only. An apartment complex for senior citizens is considered "multifamily."
- B. Standards. All buildings, outdoor recreational activities, and parking shall be located a minimum 50 feet from any residentially zoned property line. 1 parking space per 5 beds.

#### **8.20 Animal Shelter**

- A. Definitions. A facility that is owned, operated, or maintained by a public body, an established humane society, or other private or nonprofit organization used to house and care for stray, abandoned, or neglected animals.
- B. Standards. All outdoor facilities such as play areas, cages, kennels, or pens shall be a minimum of 100 feet from any residentially zoned property line. A separate 6 foot perimeter fence is required if any animals have access to an outdoor enclosure, including unsupervised exercise areas. 1 parking space for each employee plus 1 space for every 3

kennels. All operations, including the provision of waste disposal and the removal of carcasses, shall comply with all federal, state, and local requirements.

#### **8.21 Animal Training Facility, Military**

- A. Definition. A facility utilized for the military or law enforcement training of animals beyond commonly accepted definitions of obedience training intended for household domesticated animals. Such facilities include both indoor and outdoor training, offices for the management and supervision of the facility, medical care facilities for the animals residing onsite and may include living quarters or dormitories for trainers and/or individuals being trained with the animals.
- B. Standards. Refer to 8.20(B).

#### **8.22 Kennels**

- A. Definition. A facility where dogs, cats, or other domestic animals are trained, boarded, bred, or raised for compensation. Such a facility may have an indoor and outdoor component. Such a facility may have an indoor and outdoor component.
- B. Standards. Refer to 8.20(B).

#### **8.23 Pet Day Care, Grooming, Obedience Training**

- A. Definitions. An established where animals are dropped off and picked up daily and not boarded overnight. Animals may be bathed, clipped, and/or combed for the purpose of enhancing their aesthetic value or health, and a fee is charged. Animal grooming and obedience training may be accessory to pet day cares or the principal use.
- B. Standards. Any outdoor facilities shall meet provisions listed in Section 8.21(B) and requires conditional zoning approval. 1 parking space for each employee plus 1 space for every 3 kennels.

#### **8.24 Veterinary Clinic**

- A. Definition. A facility for the provision of surgical or other medical treatments to animals. Animals may be kept in the facility overnight only during the recovery period or while under medical treatment without adhering to additional specific use standards.
- B. Standards. Outdoor kennels require conditional use permit approval. Indoor kennels or overnight boarding (not for medical reasons) requires conditional use permit approval. 5 parking spaces for each doctor plus 1 space for each employee.

#### **8.25 Automatic Teller Machine (ATM)**

- A. Definition. A machine or device through which a customer can conduct certain banking transactions and which may or may not be located on the same lot as the bank or financial institution with which the machine is associated.

- B. Standards. Shall be located so as not to interfere or conflict with sidewalks, pedestrian ways, parking areas, loading areas and driveways. Side and rear setback requirement shall be 5 feet. All other setbacks shall comply with underlying zoning district. 2 parking spaces per ATM and they shall be located off-street.

#### **8.26 Beauty / Barber Shop / Nail Salon**

- A. Definition. Any establishment where cosmetology services are provided including hair care, nail care, and skin care on a regular basis for compensation.
- B. Parking. 2 spaces per operator.

#### **8.27 Bed and Breakfast**

- A. Definition. Any dwelling occupied by the owner or operator in which not more than 8 guest room accommodations are offered for a period of less than 30 days per 60 day period for compensation, and where food may not or may be served.
- B. Standards. The use must be located in a building that was constructed as a single family dwelling which is the permanent residence of the owner or the manager of the business. There shall be no less than 1 bathroom, consisting of a bath or shower, water closet, and lavatory for each 2 guestrooms, with not more than 1 guestroom permitted in a detached structure on the same property. Meals may be provided to overnight guests only and no cooking facilities may be provided in guest rooms. No parking shall be allowed in any front yard. 1 parking space per unit, plus 1 space per employee on a normal shift.

#### **8.28 Dry Cleaning and Laundromat**

- A. Definition. Dry Cleaning – A business which launders or dry cleans clothes dropped off on the property by the customer or a location to pickup and drop-off items to be laundered or dry cleaned. Laundromat – A facility where patrons wash or dry clothing or other fabrics in machines operated by the patron.
- B. Parking. 1 space per 3 washing machines.

#### **8.29 Equestrian Cottage**

- A. Definition. Equestrian cottages provide accommodations for visitors, with equestrian needs, to the “Horse Country” of Moore County.
- B. Standards. Accommodations are offered for the cottage for a period of less than 30 days per 60 day period for compensation. Cottages shall not include manufactured homes. There shall be no more than 2 cottages per property with the exception of a 3rd unit if the property is comprised of at least 11 acres of land. The permanent residence of the owner or the manager of the business may also be located on the property but shall be counted as 1 of the total units permitted. Facilities related to the horse industry such as horse pastures, trails, run in sheds, barns, and stables may be permitted as accessory uses.

### 8.30 Hotel and Motel

- A. Definition. Building(s) containing sleeping accommodations for 10 or more persons, providing a temporary abode of persons who have their residences elsewhere.
- B. Standards. All buildings, outdoor recreational activities such as swimming pools, and parking shall be located a minimum 50 feet from any residentially zoned property line. 1 parking space per room, plus 1 space per employee on a normal shift.

### 8.31 Office

- A. Definition. An establishment providing direct services to consumers, conducted during normal business hours, in a fully-enclosed building, including financial offices (banks, brokers, insurance agents, accountants, appraisers), general business offices (adoption agency, catering, cell phone store, cleaning service office, fortune tellers), instructional services (music, art and craft classes, and tutoring), licensed medical offices (dentists, doctors, counselors, chiropractor, hospice and palliative care facility, massage therapist, medical/optical/scientific research facility, physical therapist, psychologists, psychiatrists, laboratories, blood banks), professional offices – office use only (architects, cartographers, engineers, lawyers, real estate agents, editors, publishers, journalists, graphic design, construction contractors, landscape design, surveyors, salespersons, travel agents), professional studios (artists, authors, sculptors, musicians, photographers, radio and television studios), and similar office uses. This use does not include manufacturing, repair, or storage of materials or products.
- B. Standards. Massage therapists shall meet the requirements per the Moore County Code of Ordinance Section 9-46.
- C. Parking. Financial Offices - 1 space for each 200 square feet of gross floor space, plus 1 space for each 2 employees. Medical Offices – 5 spaces for each doctor plus 1 space for each employee. Other types of offices – 1 space for each 300 square feet of gross floor area, minus storage areas.

### 8.32 Small Appliance Repair Shop

- A. Definition. Repair establishments, where the principal activity includes, but not limited to the repair of home appliances and equipment, bicycles, lawnmowers, shoes, clocks, watches, and jewelry, and also includes tailors, gunsmiths, locksmiths, and upholstery shops. Vehicle repair shops and automobile service stations are separate definitions.
- B. Gunsmith. Any person who repairs firearms. An accessory use may include 1 gun receiver manufacturing machine. Ammunition manufacturing is prohibited. Facilities shall only discharge a firearm within an approved test fire vault. Outdoor test firing requires Conditional Use Permit approval. Repair shops shall comply with all required permits and regulations, including but not limited to Alcohol, Tobacco and Firearms (ATF) permits.

### 8.33 Trade Contractor Office and Workshop

- A. Definition. An establishment used by special trade contractors for office space and may include the following accessory uses within the principal building: the housing and/or operating of machinery, the fabrication of products, and interior storage. Special trade contractors include carpentry, septic installers, general contractors, subcontractors, grading, HVAC, electricians, plumbers, landscaping, woodworking, tree service, cabinetry, sign painting, metal work, and pool installation.
- B. Parking. 1 space for each 300 square feet of gross floor area, minus storage areas.

#### **8.34 Auction House**

- A. Definition. A fully-enclosed building used for the sale of goods, equipment, livestock, or vehicles, to the highest bidder.
- B. Standards. Outdoor vehicle auctions shall utilize Type 3 screening (Section 7.11). One time estate auctions, tax sales, or court ordered sales at the site of the estate or other property being sold are exempt from zoning requirements. 1 parking space for each 300 square feet of gross floor area, minus storage areas.

#### **8.35 Convenience Store**

- A. Definition. A small retail establishment (principal use) that may be in a rural area, designed and stocked to sell primarily food, ice cream, beverages, other household supplies, locally grown produce, gardening supplies, fishing tackle, and the like to customers who purchase only a relatively few items (in contrast to a “supermarket”). A small grill (restaurant) may be permitted within the building as an accessory use. Refer to “Vehicle Service Stations” for convenience stores associated with gas stations.
- B. Parking. 1 space for each 150 square feet of gross floor area, minus storage areas.

#### **8.36 Feed and Seed Sales**

- A. Definition. An establishment engaged in retail sales of primarily agricultural products, related to the day-to-day activities of agricultural production, lawn furniture, including the bulk storage of fertilizers and related agrichemicals (per the NC Fire Prevention Code).
- B. Parking. 1 space for each 150 square feet of gross floor area, minus storage areas.

#### **8.37 Florist**

- A. Definition. A retail business whose principal activity is the selling of plants which are not grown on the site and conducting business within an enclosed building.
- B. Parking. 1 space for each 150 square feet of gross floor area, minus storage areas.

#### **8.38 Flea Market**

- A. Definition. A building or open area in which stalls or sales areas are set aside, and rented or otherwise provided, and which are intended for use by various unrelated individuals

to sell articles that are either homemade, homegrown, handcrafted, old obsolete, or antique, and may include the selling of new or used goods at retail by businesses or individuals who are generally engaged in retail trade. Residential yard sale is a separate definition. Sale or trade of exotic, domestic, or farm animals shall be prohibited.

- B. Standards. All outdoor display tables and/or racks, tents, tarps, shelters, coverings of any type, or vehicles used shall be removed within 72 hours from the time of opening unless approved by the Board of Commissioners. All outside retail areas shall be a minimum of 30 feet from any residentially zoned property line. All items shall be stored indoors when the flea market is not open for business or removed from the site at the close of each business day. 1 parking space for each 300 square feet of gross floor area, minus storage areas.
- C. Supplemental. Sales involving fruits, vegetables, and other eatable items shall be permitted through the Moore County Department of Environmental Health. Any buildings or structures shall meet the current NC Building Code. Any 700 square foot tent or 400 square foot tents with wall enclosures shall be approved by the Moore County Department of Public Safety. Conditional Use Permit approval is required in the B-2 zoning district when sales are not contained within a fully-enclosed building.

#### **8.39 Garden Center**

- A. Definition. A place of business where retail and wholesale products and produce are sold to the consumer. These centers may include a nursery and/or greenhouses, import most of the plants sold, nursery products and stock, potting soil, garden tools, and lawn furniture.
- B. Parking. 1 space for each employee.

#### **8.40 Manufactured Home Sales**

- A. Definition. An establishment devoted to the retail sales of new or used manufactured homes, modular homes, and storage buildings.
- B. Standards. The display area shall be set back a minimum of 20 feet from the street right-of-way and 10 feet from all other property lines. 5 parking spaces per employee.

#### **8.41 Restaurant**

- A. Definition. An establishment where food and drink are served as a principal activity. Included in this definition are cafeterias, lunch counters, ice cream shops, bakeries, soda shops, drive-thru, and fast food restaurants. Drive-thru and fast food are not permitted in the CGWL Zoning District. Per the NC Alcohol Beverage Control Commission, food sales must exceed 30% of total food and alcohol sales (including beer, wine, and mixed beverage sales) and food shall be available during all business hours.
- B. Standards. Any outdoor seating or area used as part of the establishment shall not obstruct a minimum 4 foot walking path to any doorway and shall meet building setback requirements. 1 parking space for each 4 seats at tables, 1 space for each 2 seats



at counters or bars plus 1 space for each 2 employees. Such establishment must obtain applicable Alcohol Beverage Control Commission (ABC) licenses.

#### **8.42 Retail Sales**

- A. Definition. Establishments where the principal use is for the sale or rental of goods or merchandise to the general public for personal or household consumption, where such goods are available for immediate purchase and removal from the premises by the purchaser, usually in small quantities, as well as services incidental to the sale of these goods, including but not limited to ABC stores, apparel stores, pharmacy & drug stores, furniture sales, hardware stores, grocery stores, ice machines (self service).
- B. Grocery Store. A free standing store where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home care and personal care products, and which are substantially larger and carry a broader range of merchandise than convenience stores. A grocery store over 25,000 square feet proposed shall be subject to Conditional Use Permit approval.
- C. Ice House / Machines. An unattended building or structure where ice is bagged automatically or dispensed in bulk to the consumer and is activated by the insertion of money, credit cards, check cards, token or similar means. This use can be a principal use or an accessory use to another approved commercial use.
- D. Alcoholic Beverage Package (ABC) Store. An establishment licensed by the state exclusively for the retail sale of alcoholic beverages, excluding beer and wine, in original packages for consumption off the premises where sold. Drive-thru lanes and service windows shall be screened and setback a minimum of 30 feet from property zoned for residential purposes.
- E. Parking. Grocery Stores – 1 space for each 150 square feet of gross floor area, minus storage areas. Other Retail Sales – 1 space for each three hundred (300) square feet of gross floor area, minus storage areas.

#### **8.43 Shopping Center**

- A. Definition. A group of 2 or more commercial establishments planned, developed, and managed as a unit with a unified design of buildings and with coordinated parking and service areas that will not be subdivided and designed for occupancy by separate businesses.
- B. Standards. All outparcels developed as part of a shopping center shall be accessed internally, via the permitted entrances for the shopping center itself. 1 parking space for each 300 square feet of gross floor area, minus storage areas.

#### **8.44 Wholesales**

- A. Definition. An establishment primarily engaged in selling durable and nondurable goods to retailers; to industrial, commercial, institutional, farm, construction contractors, or professional business uses; or to other wholesalers.



- B. Standards. Businesses may or may not be open to the general public, but sales to the general public are limited. Accessory uses may include offices, product repair, warehouses, minor fabrication services, outdoor storage, and repackaging of goods. Indoor facilities over 25,000 square feet proposed or outdoor storage/display areas occupying more than 30% of the lot shall be subject to Conditional Use Permit approval. 1 parking space for each employee on the largest shift plus 1 space per vehicle used in the operation.

#### **8.45 Boat & RV Storage**

- A. Definition. The storage of boats and recreational vehicles indoors or outdoors on a property.
- B. Parking. 5 spaces per employee.

#### **8.46 Car Wash or Auto Detailing**

- A. Definition. The use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment, using production line method or, water, equipment, or soap for the complete or partial hand washing of automobiles, whether washing is performed by the operator or by the customer.
- B. Standards. Car wash and auto detailing uses shall be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements, as illustrated on the site plan. 1 parking space per bay or washing station.

#### **8.47 Commercial Truck Wash**

- A. Definition. The use of a site for the washing, waxing, and vacuuming of heavy equipment, trucks, and buses.
- B. Standards. Refer to Section 8.46 B.

#### **8.48 Parking Lot as Principal Use of Lot**

- A. Definition. Any building or premises used exclusively for the parking of vehicles for short and long-term fee parking.
- B. Standards. Parking spaces may be rented for parking, or otherwise used in accordance with an approved temporary event, but no other business of any kind shall be conducted on the lot, including repair service, sales, washing, display, or storage of vehicles or other goods.

#### **8.49 Taxi Service**

- A. Definition. A service that offers transportation in passenger automobiles and vans to persons including those who are handicapped in return for remuneration.

- B. Parking. 1 space per taxi.

#### **8.50 Vehicle, Auto Parts, Tires, Farm Equipment, Boat, RV - Sales, Rental, Service (excluding storage or wrecked or junked vehicles)**

- A. Definition. Buildings and premises where the primary activity is for vehicles, auto parts, tires, farm equipment, boats, and/or recreational vehicles to be sold, rented, or serviced.
- B. Service Standards. All repair or service activity, excluding washing, shall be conducted entirely within a fully-enclosed building. 5 parking spaces per service bay.
- C. Sales Standards. The display area shall be a minimum 5 feet from the street right-of-way and 10 feet from all other property lines. 1 parking space per 150 square feet, minus storage areas.
- D. Prohibited. There shall be a maximum of 10 inoperable vehicles stored outdoors. Tire sales are not permitted in the Village Business District.

#### **8.51 Vehicle Service Stations (Gas Stations)**

- A. Definition. An establishment where gasoline or diesel fuel is supplied at retail and where, in addition, convenience stores, car washes, tire sales and service, auto repair, and sale of auto accessories and supplies may be permitted as accessory uses, as indicated on the site plan. All accessory uses shall meet the applicable specific use standards.
- B. Standards. Buildings, gasoline pumps, tanks, pump islands, and fuel sales shall conform to all setback requirements in accordance with the NC Fire Prevention Code. 1 parking space per pump plus 1 space per employee.

#### **8.52 Vehicle Wrecker Service**

- A. Definition. An establishment operated for the purpose of temporary storage on-site of no more than 15 unstacked inoperable vehicles at one time. The use shall be considered a salvage yard when exceeding the minimum requirements.
- B. Parking. 2 spaces per tow vehicle.

#### **8.53 Adult Gaming Establishment**

- A. Definition. Any establishment deemed legal by state law, featuring 1 or more stand-alone electronic or conventional gaming units, skill-based or otherwise, or serving 1 or more patrons in such a capacity at any one time, which also rewards patrons with cash or other monetary payments, goods or certificates for services which are redeemable for cash or other monetary payment on or off premise and including on-line redemptions, as well as any rewards which cannot be legally obtained, consumed, or otherwise used by minors. Any use meeting this definition shall be considered a primary use regardless of association or location in conjunction with other permissible primary uses. State of

North Carolina sanctioned lottery functions shall not be considered as adult gaming establishments for the purposes of this ordinance.

- B. Standards. All buildings, outdoor seating/ entertainment, and parking areas shall be 50 feet from any residentially zoned property line. 1 parking space for each 2 people at full capacity. No more than 4 machines per location.

#### **8.54 Bar / Tavern**

- A. Definition. An establishment, or part of an establishment, having as its principal or predominant use the serving of beer, wine, or liquor for consumption on the premises, and which sets a minimum age requirement for entrance, consistent with state law. Such uses may also provide on-site entertainment in the form of live performances, dancing, billiards, or other entertainment activities.
- B. Standards. All buildings, outdoor seating/ entertainment, and parking areas shall be 50 feet from any residentially zoned property line. 1 parking space for each 2 people at full capacity. Additional temporary overflow parking of 1 space per 200 square feet of building area shall be required for establishments providing dancing and/or live entertainment.
- C. Supplemental. Such establishment shall obtain applicable Alcohol Beverage Control Commission (ABC) permits.

#### **8.55 Brewery / Winery (not a bona fide farm)**

- A. Definition. An establishment for the manufacture, blending, brewing, fermentation, processing, and packaging of beer or wine that may or may not be in association with an existing vineyard or hops and grain farm located on the same property. Retail sales, banquet hall, tasting facility, and restaurant may be permitted as an accessory use with all applicable Alcohol Beverage Control Commission (ABC) commission permits.
- B. Standards. All buildings, outdoor seating/ entertainment, and parking areas shall be 50 feet from any residentially zoned property line. 1 parking space for each 2 people at full capacity.

#### **8.56 Dance Club, Night Club, Billiard**

- A. Definition. An establishment that stays open after 10:00 PM on weekends or on more than an occasional basis, that offers food and beverages, including alcoholic beverages to persons 21 years of age and older, in conjunction with dancing or live performances, and which sets a minimum age requirement for entrance.
- B. Standards. Refer to Section 8.53(B).

#### **8.57 Distillery**

- A. Definition. A legal establishment for the manufacture, blending, fermentation, processing and packaging of distilled alcohol spirits (including but not limited to rum,

vodka, and whiskey). Such facility does not provide on-site retail sales or samples and must comply with all Alcohol Beverage Control Commission (ABC) laws and permits.

- B. Parking. 1 space for each 4 people at full capacity.

#### **8.58 Massage & Bodywork Therapy Practice, Unlicensed**

- A. Definition. Any business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios, massage studios, or massage parlors. A business licensed through the Board of Massage & Bodywork Therapy is a separate definition.
- B. Standards. Refer to Section 8.53(B) with the exception of 1 parking space per 150 square feet minus storage area.

#### **8.59 Pawn Shop**

- A. Definition. An establishment primarily engaged in the loaning of money on the security of property pledged in the keeping of the pawnbroker, and the sale of such property. A pawn broker is any person engaged in the business of lending money on the security of pledged goods and who may also purchase merchandise for resale from dealers and traders.
- B. Standards. Refer to Section 8.53(B) with the exception of 1 parking space per 150 square feet minus storage area.

#### **8.60 Sexually Oriented Business**

- A. Definition. An establishment which by law excludes minors by virtue of the fact that a substantial portion of its business is sexually explicit. SOB's includes any place defined as an "adult establishment" by NCGS 14-202.10. Such uses include, but are not limited to, adult arcades, adult book stores, adult video stores, adult theaters (drive-in, picture and min-picture), adult cabarets, massage parlors, or adult entertainment establishments.
- B. Standards. All buildings and parking areas shall be 750 feet from any residentially zoned property line and a minimum 2,500 feet from another SOB, public park, nursing home, church, child care facility, or school as measured by a straight line distance, from property line to property line. 1 parking space for each employee plus 1 space for each client at full capacity

#### **8.61 Tattoo Parlor, Body Piercing**

- A. Definition. Any business, or any part of thereof, where tattooing and/or body piercing is practiced or where the business of tattooing and/or body piercing is conducted.
- B. Standards. Refer to Section 8.53(B) with the exception of 1 parking space per 150 square feet minus storage area.

#### **8.62 Cemetery or Mausoleum, Commercial**

- A. Definition. A place used or to be used and dedicated or designated for earth interments of human remains.
- B. Standards. The minimum yard required for all in ground interment plots is 10 feet and above ground interment facilities and any buildings shall conform to principal building setbacks. 1 parking space for each employee.

#### **8.63 Cemetery, Family**

- A. Definition. Privately-owned family place used or to be used and dedicated or designated for earth interments of human remains.
- B. Standards. The development must meet all applicable environmental health regulations for wells and septic tanks.

#### **8.64 Child Care Facility**

- A. Definition. A child day care facility includes a program or arrangement where, at any one time, 3 or more children less than 13 years old, who do not reside where the care is provided, receive care on a regular basis of a minimum once per week for more than 4 hours but less than 24 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption, in accordance with NCGS 110-86.
- B. Standards. The size of the outdoor activity or play areas shall be installed as required by the NC Department of Health & Human Services before the Certificate of Occupancy is issued. The facility shall have ingress and egress directly onto a public street and shall provide entrance to and exit from the property without backing onto the street right-of-way. 1 parking space for each employee plus 1 space for every 5 students. State licensure is required before a Certificate of Occupancy is issued.

#### **8.65 Child Care Home Facility**

- A. Definition. A child care home facility is a child care arrangement located in a residence where, at any one time, more than 2 children, but less than 9 children, receive child care and of the children present at any one time in a family child care home, no more than 5 children shall be preschool-aged, including the operator's own preschool-age children, in accordance with NCGS 110-86(3)b and 91(7)b and NCAC SECTION .1700.
- B. Child Care in a Manufactured Home. The home shall have underpinning consisting of a brick curtain wall or have galvanized metal sheeting, ABS, or PVC plastic color skirting with interlocking edges, installed around the perimeter of the home. Skirting shall be in good condition and unpierced except for ventilation and access. In addition, singlewide manufactured homes are limited to a maximum of 3 preschool-age children (not more than 2 may be 2 years of age or less) and 2 school-age children.
- C. Standards. The child care provider shall live in the residence full-time. Play space shall be enclosed by a chain link or solid fence at least four (4) feet high. 1 parking space for

each employee plus 1 space for every 5 students. State licensure is required before a Certificate of Occupancy is issued.

#### **8.66 Colleges, Business & Trade Schools**

- A. Definition. An institution that provides full-time or part-time education beyond high school.
- B. Standards. 1 parking space for every 6 students, based upon the maximum number attending classes at any one time, 1 space for each administrative office, plus 1 space for each professor.

#### **8.67 Funeral Home**

- A. Definition. An establishment that provides human funeral services, including embalming and memorial services. Accessory uses may include a crematorium.
- B. Standards. 1 parking space for each 4 seats in the chapel or parlor, plus 1 for each funeral vehicle, plus 1 space for each employee

#### **8.68 Government Facility**

- A. Definition. A building or land use owned, operated, or occupied by a local, state, or federal governmental agency to provide a governmental service to the immediate area and needs of the county citizens. Examples include, but are not limited to, emergency service facilities, county offices, county utilities, libraries, post offices, employment offices, public assistance offices, vehicle registration and licensing services, and public recreational facilities, open space, and parks.
- B. Parking. 1 parking space per employee and one for each 4 seats provided for patron use.

#### **8.69 Hospital**

- A. Definition. An institution providing human health services primarily for in-patient medical and surgical care for the physically or mentally sick and injured and including related support facilities such as laboratories, out-patient departments, staff offices, food services, and gift shop.
- B. Standards. 1 parking space per each 3 patient beds, plus 1 space for each staff or visiting doctor plus 1 space for each 2 employees on shift of average greatest employment.

#### **8.70 Museums and Art Galleries**

- A. Definition. Museums are institution devoted to the procurement, care, study, and display of objects of lasting interest or value. Art galleries include original works of art bought, sold, loaned, appraised, or exhibited to the general public.
- B. Parking. 1 space for every 4 participants at full capacity.

#### **8.71 Religious Institutions**

- A. Definition. A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.
- B. Accessory Uses. Includes pastor's housing, Sunday school buildings, recreational buildings utilized by congregation only, fellowship halls, food pantry, child care facility, school, coffee house, bible school, and after-school facilities. Child care facilities shall meet the standards per Section 8.63 and shall submit a copy of state licenses before a Certificate of Occupancy is issued. Schools located on the same lot as the church and located in residential zoning districts shall require a Conditional Use Permit and meet the Specific Use Standards per Section 8.71.
- C. Church Cemeteries. A church cemetery shall be associated with the church, located on the same tract of land as a religious institution, or an immediately abutting parcel to a religious institution under the same ownership. The minimum yard required for all burial plots and any other building or structure is 30 feet from any exterior property line or the required district principal building setback, whichever is greater.
- D. Parking. 1 space for each 4 seats in the assembly room(s), plus 1 space per employee, or 1 space for each 4 persons at full occupancy, whichever is greater.

#### **8.72 Security Training Facility**

- A. Definition. An indoor and/or outdoor training facility for military or law enforcement on a minimum of 50 acres in area that includes daytime and/or nighttime hours of operation.
- B. Firearms and Explosive Training. Firearm training facilities shall comply with Section 8.89. The "Military Handbook – Range Facilities and Miscellaneous Training Facilities Other Than Buildings (MIL-HDBK-1027/3B)" may be utilized for designing the military training facility. A listing of the type, amount, and physical location of all explosive material shall be provided by the applicant. Any overnight or temporary storage of weapons, ammunition, and explosives shall meet the Department of Defense storage and stand-off safety standards.
- C. Blank Ammunition Training. Facilities involving the use of blank ammunition and/or explosive simulators shall include the proposed noise decibels to existing dwelling units within ¼ of a mile (approximately 1,320) from the project site.
- D. Prohibited. Military type activities or maneuvers, including but not limited to hand-to-hand combat training, maritime training, swamp, or guerilla warfare techniques, incendiary type firings, infiltration course type training, etc. is permitted for use by law enforcement, military or federal agency groups only.

#### **8.73 Schools, Elementary, Middle, High**



- A. Definition. A public or private school offering general, technical, or alternative instruction at the elementary, middle, and/or high school levels.
- B. Standards. All buildings, outdoor recreational areas, and parking shall be a minimum 50 feet from any residentially zoned property line. Screening is not required if all recreational uses are not lighted, including athletic fields, and are set back 100 feet from any residentially zoned property line. Playgrounds shall be surrounded with a chain link or solid fence or wall of a minimum 4 feet in height.
- C. Parking. Elementary and Middle Schools - 1 space for each classroom and administrative office, plus 1 space for each employee and 1 large space for each bus. High Schools - Same as elementary schools plus 1 space for each 20 students.

#### **8.74 Accessory, Swimming Pools**

- A. Definition. All permanent or temporary public, commercial, or private above-ground or in-ground water containment areas more than 2 feet deep, designed for recreational use involving wading, swimming, and/or diving and including all structures, walks or patio areas of cement, stone, or wood at or above grade, built for, and used in conjunction with the swimming pool.
- B. Residential Lot Layout. Swimming pools shall be located in side or rear yards and shall meet the accessory building setbacks.
- C. Multi-Family and Non-Residential Lot Layout. Indoor and Outdoor facilities shall be a minimum of 100 feet inside the property lines abutting to a residential zoning district and a minimum of 50 feet from any other property line.
- D. Supplemental. No water may be discharged directly into natural streams or public waterways or on abutting properties. All swimming pools shall comply with the latest and applicable version of the NC Building Code, including but not limited to fencing requirements, building, mechanical, or electrical related work. The NC Rules Governing Public Swimming Pools may apply when public or commercial activities are involved.

#### **8.75 Airports, Public or Private**

- A. Definition. Any place which is used or intended for use for the landing and taking off of aircraft, and airport buildings, taxiways, aircraft storage, hangars, and other necessary buildings and open spaces.
- B. Standards. There shall be a minimum of 300 feet between any runway or taxiway to the nearest property zoned for residential purposes. 1 parking space for each 4 seats for waiting passengers, plus 2 spaces for each 3 employees, plus 1 space for each vehicle used in the operation.
- C. Supplemental. Application shall conform to current FAA design standards and the location, type, and height of any building or structure, including towers, over 200 feet in height and within a 5 mile radius. FAA permits are required before the Certificate of Occupancy is issued.



#### **8.76 Airstrip, Small Private**

- A. Definition. The use of a field or grassed runway, on a noncommercial basis, for privately owned airplanes when the owner of a minimum 1 of the resident planes lives on the premises.
- B. Standards. 1 building may be constructed for storage of planes. The building cannot be used or rented for storage of planes that do not belong to the property owner or lessee. There shall be a minimum of 300 feet between any runway or taxiway to the nearest property zoned for residential purposes, except that a residence may be located on the property of a small private airfield.

#### **8.77 Assembly Hall**

- A. Definition. A fully or partially enclosed facility, or open area used or intended to be used primarily for spectator sports, entertainment events, expositions, public or private gatherings, conferences, and conventions and accessory uses such as snack bars, restaurants, and retail sales of related items, and other support facilities. "Assembly Hall" includes the terms amphitheater, arena, banquet hall, coliseum, convention center, exhibition hall, receptionist hall, retreat center, sports arena, and stadium.
- B. Standards. Fully-enclosed buildings and parking shall be a minimum 50 feet from any residentially zoned property line. Partially enclosed or open recreational facilities shall be a minimum 100 feet from any property line. Parking (no spectators) shall be 1 space for every 2 participants at full capacity. Parking (with spectators) 1 space for every 4 spectator seats (one seat is equal to 2 feet of bench length).

#### **8.78 Camp or Care Centers, Nonprofit**

- A. Definition. Land used by a nonprofit organization that consists of 1 or more buildings, located on a minimum 20 acres of land that provides accommodations for more than 9 individuals and where the activities of those individuals predominantly occur in supervised groups for recreational, religious, and/or educational purposes, including but not limited to retreat events and summer camps for children, groups or families. Accessory uses may include, but are not limited to, tents or cabins, staff housing, worship areas, dining areas, horse stables, ball fields, amphitheaters, retreat center, or swimming pools.
- B. Parking. 1 parking space for each employee and one parking space for each 5 beds.
- C. Utilities. All water and sewage facilities shall be designed and installed according to the standards of the Moore County Department of Public Works, Department of Environmental Health, and NC Department of Environmental Quality.
- D. Prohibited. No one shall remain at the campground for more than 30 continuous days within a 60 day period with the exception of staff.

#### **8.79 Campground**

- A. Definition. A lot in single ownership that has been developed or is intended to be developed for occupancy by tents, cabins, and all types of recreational vehicles, including tent trailers, for transient dwelling purposes.
- B. Lot Layout.
1. Minimum Property Size – 20 acres
  2. Maximum Density – 24 campsites per acre
  3. Peripheral Buffer including street ROW– Type 3 Screening (Section 7.11)
  4. Minimum Campsite Size – 1,000 square feet
  5. Minimum Space Width – 20 feet
  6. Minimum setback of buildings from any property line – 50 feet
  7. Minimum Common Open Space or Recreation Area – 10% of gross site
- C. Existing Campground. All new campgrounds and all expansions to existing campgrounds shall meet all standards set forth in this Ordinance.
- D. Site Plan. The site plan shall be prepared by a licensed engineer, architect, or surveyor, which depicts the proposed general design and arrangement of uses and buildings. In addition to the site plan requirements per Section 4.2(C), the following shall be included on the site plan: lighting, streets, peripheral buffer, campsite spaces, and phase lines.
- E. Off-Street Parking. Each tent campsite shall have 2 parking spaces. The minimum parking space dimensions shall be 9 feet by 18 feet. Each RV space shall have off-street parking for 1 RV and parking space for a minimum 1 car.
- F. Lighting. Interior lighting is required in any building open at night. Lighting shall be provided for all recreation areas, bathrooms, and dumping areas, and parking areas (other than at each campsite), shall be lit at night, either with a light mounted on the building or as a pole light.
- G. Utilities. Drinking water and sanitary (bathrooms and showers) facilities shall be available within twelve hundred (1,200) feet. For RV campgrounds, a minimum 1 central sewage dumping station shall be provided for removing and disposing of waste from waste holding tanks. Sanitary facilities and dumping stations shall be separated from any campsite by a minimum of 50 feet. All water and sewage facilities shall be designed and installed according to the standards of the Moore County Department of Public Works, Department of Environmental Health, and NC Department of Environmental Quality. No provision of utilities or “hookups” shall be constructed on tent only campsites.
- H. Streets. No space shall have direct access to a public street. All roadways within a campground shall be located outside of the campsite space. Unpaved streets or easements shall be a minimum width of 20 feet, depth of 4 inches, with a minimum vertical clearance of 13 feet 6 inches for accessibility by service and emergency vehicles before a Certificate of Occupancy is issued. Gates or Barricades installed on Fire Apparatus Access Roads shall comply with the adopted NC Fire Prevention Code. All dead end roadways shall be provided with a turn-around, pursuant to Section 18.7I.

Permanent roadway name signs and stop signs shall be installed at intersections to all internal roadways. Paved roadways shall be designed and constructed in compliance with NCDOT's Subdivision Roads Minimum Construction Standards as certified by a professional NC Engineer.

- I. Accessory Uses. Customary accessory uses may be provided by the property owner, shall be only for the use of campers, and shall not have direct access to a public road, but shall abut the internal roadway as approved by the Administrator, including:
  - 1. Service buildings such as an administrative office, bathhouses, laundry facilities, and a camp store may be provided, for the use of campground users only, which may sell camping supplies, e.g. food, ice, personal supplies, etc.
  - 2. Recreational uses such as walking trails, lakes, swimming pools, and game rooms.
  - 3. A house or manufactured home may be located within the campground for the owner, manager or caretaker of the campground.
- J. Phasing. When a campground is to be developed in phases, the proposed plan must be submitted for the entire development, and application for a zoning permit shall be made for each phase and spaces may then be rented upon issuance of the building permit. The first phase shall include no less than 3 spaces, NCDOT required or other applicable utilities and infrastructure shall be installed.
- K. Prohibited. Storage of RVs, cars, boats, lumber, or other construction materials. No RV site shall be used as a permanent residence. No tent or RV shall remain at the campground for more than 30 continuous days within a 60 day period. Selling of individual campsites are prohibited. Room additions and porches are not allowed in campsite spaces. Any action toward removal of wheels of an RV is prohibited.
- L. Supplemental. The owner shall submit the facility's Emergency Action Plan as deemed necessary by the Moore County Department of Public Safety.

#### **8.80 Camp, Recreational Day**

- A. Definition. Land located on a minimum 20 acres that provides low impact daytime activities for more than 9 individuals and where the activities predominantly occur in supervised groups for recreational, religious, and/or educational purposes, including but not limited to daytime retreat events for children, work groups, organizations, or families. Active recreational uses may include, but are not limited to outdoor archery, ziplines, swimming pools, and low impact obstacle courses.
- B. Standards. All buildings and active recreational uses shall be constructed a minimum of 50 feet from any residentially zoned lot. 1 parking space for each employee plus 1 space for every 4 participants.

#### **8.81 Civic / Social Club, Lodge, & Organization (Private Non-Profit)**

- A. Definition. A nonprofit organization whose members holds regular indoor meetings and pay dues, and that may maintain dining facilities and serve alcohol, provided it is

secondary to the common objective of the organization and is in compliance with applicable local, state, and federal laws, for the enjoyment of dues paying members and their guests. There are no sleeping facilities. This definition shall not include dance clubs or night clubs.

- B. Standards. 1 parking space for each 4 seats in the assembly room(s), plus 1 space per employee, or 1 space for each 4 persons at full occupancy, whichever is greater.

#### **8.82 Golf Driving Range**

- A. Definition. A limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee.
- B. Standards. Driving ranges shall have a minimum depth of 1,000 feet from the tees to the end of the driving area or the end shall be controlled with netting and/or berms to prevent golf balls from leaving the property. No maintenance building or clubhouse shall be closer than 50 feet from any residentially zoned property line. 2 parking spaces for each tee.

#### **8.83 Golf Courses (including Par 3)**

- A. Definition. A tract of land laid out for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course includes a clubhouse, and shelters as accessory uses. This definition does not include miniature golf.
- B. Standards. No maintenance building or clubhouse shall be closer than 50 feet from any residentially zoned property line. 4 parking spaces for each hole.

#### **8.84 Marina (fuel supplies)**

- A. Definition. A facility where fuel supplies are available for watercraft.

#### **8.85 Neighborhood Park**

- A. Definition. A public or private area of land designed to serve recreation needs of a community including a subdivision / neighborhood park. Facilities may include a playground, benches, picnic shelters, walkways, greenways, or open fields. This definition does not include multi-use athletic fields or courts, swimming pools, or amphitheaters.
- B. Standards. Parks are not required to be screened. Playground equipment and fenced areas for recreation shall be located no closer than 30 feet from an existing residential building.

#### **8.86 Recreation, Indoor**

- A. Definition. A fully enclosed facility providing for one or several recreational uses including sport auditoriums (basketball, dance, martial arts, soccer, swimming, tennis, wrestling), batting cages, bowling alleys, skating rinks, and other recreational uses such

as non-profit community centers, non-profit youth facilities, health and fitness clubs, gyms, movie theatres, and general gaming establishments.

- B. General Gaming Establishment. Any establishment deemed legal by state law, excluding billiards halls, adult gaming establishments and any others similarly defined in this chapter, whose primary use is to provide entertainment services to the general public in the form of electronic or conventional gaming units which provide either no reward to patrons or rewards of limited value such as children's toys, games, and novelties when all of said rewards can be legally obtained and used by all ages and are not redeemable for cash or any other kind of compensation or services on or off premises, including on-line redemptions. Examples include traditional video game arcades and children's and family game centers, whether stand-alone or in conjunction with a restaurant or other permissible uses. This shall be considered a primary use when occupying more than 50 percent of the gross floor area of an establishment or being used by more than 50 percent of the patrons at any time or representing more than 50 percent of the total sales of the establishment.
- C. Standards. All buildings and parking shall be located a minimum 50 feet from any residentially zoned property line. 1 parking space for every 2 participants at full capacity.

#### **8.87 Recreation, Low Impact Outdoor**

- A. Definition. Recreational activities open to the public or members that have a low potential for nuisance to abutting property owners. This generally includes one or more of the following passive recreational uses: parks (not including neighborhood parks), hiking, horseback riding, biking trails (non-motorized), and the following active recreational uses: 3 or less multi-use athletic fields or courts, model airplanes, and swimming pools.
- B. Standards. Passive Recreational Uses: No setback or screening required. Active Recreational Uses: All runways, fields and outdoor recreational uses shall be located a minimum 100 feet from any residentially zoned property line. Screening is not required. 1 parking space for each employee plus 1 space for every 4 participants. The use of public street right-of-ways for parking including overflow parking shall be prohibited. All model airplane runways, fields, and lighted courts shall be screened with a Type 3 screening (Section 7.11) from any abutting residential use on a different lot or residentially zoned property.

#### **8.88 Recreation, High Impact Outdoor**

- A. Definition. Public or private recreational activities that have a high potential for nuisance to abutting property owners. This generally includes one or more of the following active recreational uses: batting cages, amusement park, waterpark, fairgrounds, drive-in theatre, open or partially enclosed arenas and amphitheaters, go-

cart or motorcross tracks, miniature golf, race tracks, or 4 or more multi-use athletic fields or courts.

- B. Standards. Fully-enclosed buildings and parking shall be a minimum 50 feet from any residentially zoned property line. Partially enclosed or open recreational facilities shall be a minimum 100 feet from any property line. The use shall be totally enclosed by a security fence a minimum 6 feet high with 3-strand barbed wire or razor wire. The use of public street right-of-ways for parking including overflow parking shall be prohibited. Such uses shall have direct access to a paved street right-of-way. 1 parking space for each employee plus 1 parking space for every 2 participants at full capacity.
- C. Drive-in theater. The picture screen shall be positioned and screened so that it cannot be seen from any public street or residentially zoned area. Use of the theater property for any purpose other than displaying motion pictures, including but not limited to flea markets, shall require a conditional use permit.

#### **8.89 Shooting Range, Indoor**

- A. Definition. An enclosed, permanent building open to the public or to members of an organization, where firearms are discharged at targets regardless of whether a fee is paid to the owner or proprietor of the facility.
- B. Standards. Shall be designed so projectiles cannot penetrate the walls, floor, or ceiling, and ricochets or back splatter shall not harm range users and shall incorporate walls and partitions capable of stopping all projectiles fired on the range by containing or redirecting bullets to the backstop. A backstop shall be installed that extends from side to side and from ceiling to floor to protect the end of the range completely from penetration by direct bullet strikes and prevents ricochets. Applicant shall include information which demonstrates what measures will be implemented so the use will not pose a hazard off site, including backstops and guarantees that the walls will be lined with a sound absorbing material to a 65 dbL rating at the adjoining property line. These guarantees shall be certified by an acoustical professional. 1 parking space per shooting lane. All buildings or facilities shall be a minimum of 100 feet from any property line.

#### **8.90 Shooting Range, Outdoor**

- A. Definition. A facility open to the public or members of an organization, where firearms are discharged at targets regardless of whether a fee is paid to the owner or proprietor of the facility. Shooting ranges shall be a minimum of 50 acres in area.
- B. Setback. All shooting stations and targets on a range facility shall be setback a minimum 200 feet from all property lines.
- C. Distances. All shooting stations and targets on a range facility shall be setback a minimum distance of ½ mile (approximately 2,640 feet) from any existing occupied dwelling, nursing home, school, church, or child care facility with exception to the owner's residence. Measurement shall be from property line to property line. The distance requirement may be varied with written permission in the form of an affidavit

from all adjoining property owners and all rightful leaseholders of dwelling located within the ½ mile surrounding area affected thereby. In no case shall the distance requirement be less than ¼ of a mile (approximately 1,320 feet).

- D. Design. The facility shall be designed by a certified professional engineer in accordance with the NRA's Range Source Book: A Guide to Planning and Construction, current edition and the US Department of Energy's Range Design Criteria (including but not limited to typical surface danger zone determination and backstop / barrier material thickness), whichever specific requirement from either document is most restrictive.
- E. Fence. The use shall be totally enclosed by a security fence a minimum (6) feet high with 3-strand barbed wire or razor wire. "No Trespassing – Danger – Shooting Range" signs shall be installed at 50 foot intervals around the perimeter.
- F. Lead Management. Applicant shall provide a plan outlining guidelines as specified by the Environmental Protection's Agency Best Management Practices for Lead at Outdoor Shooting Ranges, current edition.
- G. Back Stops. All shooting stations must be oriented so firing trajectory is not directed toward a street right-of-way or dedicated access easement. There shall be protection of abutting property assured by proper design, location, and orientation of structures, backstops, and firing lines. A projectile-proof backstop, consisting of concrete, steel, earth, or a combination thereof, a minimum 20 feet high shall be erected and maintained behind all target areas.
- H. Insurance. The permittee shall be required to carry a minimum \$1,000,000 per occurrence of liability insurance.
- I. Parking. 1 space per shooting lane.
- J. Safety Officer. All range facilities open to the general public that allow the discharge of firearms shall provide an NRA Certified Range Safety Officer or individual that possesses the knowledge, skills, and attitude essential to organizing, conducting, and supervising safe shooting activities and range operations. This safety official shall be located at the firing line to aide in the proper discharge and safe handling of all weapons anytime live fire is being conducted.
- K. Supplemental. The applicant shall include the types of weapons proposed to be used. The center or range must comply with all required permits and regulations, including but not limited to: Alcohol, Tobacco and Firearms (ATF) permits, National Fire Protection Association Standards, and International Building Code (Fire Prevention). The center or range and all individuals working with firearms or explosives at the facility shall be certified and permitted by Alcohol, Tobacco and Firearms (ATF) to conduct such operations in compliance with its permits.
- L. Exemptions. Target practice areas on private property, hunters safety course training activities (by a certified trainer), temporary seasonal turkey shoots (special event approval required), or government facilities.



### **8.91 Zoo and Petting Zoo**

- A. Definition. A zoo is an area, building, or structures which contain wild animals kept for public exhibition. A petting zoo involves farm animals and other animals kept for public exhibition.
- B. Standards. Any animals or areas deemed potentially dangerous shall be identified through signage and be located a minimum 100 feet from any property line or street right-of-way. These animals shall be enclosed within a security fence accommodated to that animal, or be located within a secured building. 1 parking space for each employee plus 1 space for every 4 participants.
- C. Supplemental. Written evidence of application to the United States Department of Agriculture (USDA) for such a facility shall be submitted at the time of application and written evidence of USDA certification is required prior to issuance of a Certificate of Occupancy for the facility. The owner(s) shall ensure the facility remains in compliance with local, State, and Federal regulations regarding permitting and containment of exotic animals. The owner shall submit the facility's Emergency Action Plan as deemed necessary by the Moore County Department of Public Safety.

### **8.92 Manufacturing, Light**

- A. Definition. An establishment or activity primarily engaged in manufacturing, production, assembly and other uses which would not be inherently obnoxious and yield only very minimal heat, noise, odor, smoke, light, vibration, dust, and does not include processing of hazardous gases, chemicals, and materials. Examples may include asphalt / concrete plants, bottling plant, electronic equipment, feed or food processing, furniture, garment, heavy equipment, ice plant, publishing and lithography, small appliance, textile & hosiery mill, research laboratory & development, and related products and uses.
- B. Parking. 1 space per 3 employees on the largest shift.

### **8.93 Manufacturing, General**

- A. Definition. An establishment or activity primarily engaged in manufacturing, production, assembly and other uses having potential to produce heat, noise, odor, smoke, light, vibration, dust, and does not include processing of hazardous gases, chemicals, and materials. The site shall be utilized in a manner that shall not pose a hazard off-site, including air and water quality. Examples may include manufacture or assembly of ammunition, fertilizer, vehicles, petroleum, biodiesel, electric power generation plants, lumber mills, planning mills, pulp and paper mills, other wood products, and related products and uses.
- B. Standards. Documentation regarding the specific materials to be manufactured or stored and the potential hazard which may be encountered in an emergency due to these materials must be provided with required application. All buildings and parking shall be located a minimum 50 feet from any residentially zoned property line. All outdoor



storage areas shall be located a minimum 100 feet from any residentially zoned property line. The Board of Commissioners shall be authorized to increase this set back if the situation warrants, based on the specific substances that are to be manufactured or stored and in what specific quantities. 1 parking space per 3 employees on the largest shift.

#### **8.94 Amateur Radio and Receive-only Antennas**

- A. Definition. Any antenna used for the purpose of transmitting and receiving radio signals in conjunction with an amateur radio station licensed by the Federal Communications Commission.
- B. Standards. Amateur radio and receive-only antennas may be installed and operated as permitted uses, up to 100 feet tall. Towers may be up to 100 feet tall and shall be setback from all lot lines a distance equal to the structure's total height. The applicant shall provide certification from a civil engineer licensed in North Carolina that the tower design is such that it will not fall on abutting property or on any building on the property on which it is located. (NCGS 153A-341.2)
- C. Supplemental. Operation of an amateur station requires an amateur operator license grant from the FCC. Proposed towers shall be forwarded to the Regional Land Use Advisory Commission for review (NCGS 153A-323B).

#### **8.95 Contractors Storage Yard and Office**

- A. Definition. An establishment used for the repair, maintenance, or storage of a contractor's vehicles, equipment, or materials and in which may maintain include accessory offices and workshops related to such activities, including but not limited to a construction contractor, welder, earth moving contractor, or mulching business.
- B. Standards. All storage buildings and outdoor storage areas shall be located a minimum 50 feet from any residentially zoned property line. 1 parking space per employee and 1 space for each 300 square of office space.

#### **8.96 Crematorium Facility**

- A. Definition. A facility containing furnaces for the reduction of dead bodies to ashes by fire.
- B. Parking. 1 space per 3 employees on the largest shift.

#### **8.97 Public & Private Utility Facilities**

- A. Definition. Shall include public and private facilities and buildings that are or are not subject to county acceptance for operation and maintenance. Any septic related facilities shall be approved by the Department of Environmental Health. For purposes of this definition, utility facilities include the following uses and standards:

- B. Water and Sewer. Public or private water distribution and sewer collection facilities, treatment plants, pump stations, lift stations, and any component part(s) thereof are exempt from zoning standards but shall be designed and constructed per Moore County's Department of Public Work's policies, specifications, and standards.
- C. Electrical Utility Substations. A premise which may or may not contain buildings, where the interconnection and usual transformation of electrical service takes place between systems shall meet the following standards: The parcel on which the facility is located does not need to conform to minimum lot size requirements. Substations or structures shall maintain standard setbacks applicable in the underlying zoning district and shall be enclosed with a fence 6 feet in height (minimum). Screening (Type 2 of Type 3 as specified in Section 7.11) shall be located between the fence and property line(s) and right-of-way. Any noise producing equipment or generator must be stored within a structure or must be setback a minimum 50 feet from any public right-of-way or property line.

#### **8.98 Solar Collector Facility**

- A. Definition. A solar photovoltaic facility whose primary purpose is to generate power to sell for commercial gain and is typically sold to energy companies rather than end users.
- B. Setbacks. All structures and security fencing must meet a 100-foot front setback measured from the edge of the rights-of-way and 50-foot side and rear setbacks.
- C. Screening. A landscape buffer/screen along all exterior sides of the security fence must consist of:
  - 1. On-site mature vegetation exists at a minimum height of ten feet and depth of 75 feet between the security fence and abutting property including rights-of-way; or
  - 2. A single row of evergreens in combination with mature vegetation, installed at a height of five feet achieving opaqueness and a minimum height of ten feet in five years; or
  - 3. A double row of off-set evergreens absent mature vegetation, installed at a height of five feet achieving opaqueness and a minimum height of ten feet in five years; or
  - 4. A berm combined with evergreen vegetation installed at a height of five feet achieving opaqueness and a minimum height of ten feet in five years.
  - 5. Topography. Where visibility of the solar farm is increased due to topography, the landscape buffer/screen must be planted on-site in an area that lessens the view of the solar farm. Where visibility of the solar farm is decreased due to topography, the landscape buffer/screen may be reduced. Both shall be determined by the planning director.
  - 6. Maintenance. Landscape buffer/screens, ground cover, security fences, gates, and warning signs must be maintained in good condition until the solar farm is dismantled and removed from the site.
- D. Safety Standards. All solar panels must be constructed to minimize glare or reflection onto abutting properties and abutting roadways and must not interfere with traffic or

create a safety hazard. A security fence equipped with a gate and a locking mechanism must be installed at a minimum height of eight (8) feet along all exterior sides of the solar farm. A warning sign concerning voltage must be placed at the main gate to include the name of the solar farm operator and a local phone number for the solar farm operator in case of an emergency.

- E. Erosion Control. Erosion control measures must be installed at construction entrances in order to minimize off-site soil damage. Existing grass must be maintained in perpetuity sufficient to prevent erosion.
- F. Nuisance Control. Power transmission lines must be located underground to the extent practical. Inverter(s) shall be located a minimum one hundred and fifty (150) feet from any property line or public right-of-way.
- G. Change of Ownership. The zoning authorization permit is subject to revocation if the Moore County Department of Planning is not notified when the solar farm company holding the permit sells or otherwise transfers its interest to another entity or individual.
- H. Decommissioning Plan. Removal of solar farm equipment and site restoration:
  - 1. The application must include decommissioning plans that describe the anticipated life of the solar farm, the estimated decommissioning costs in current dollars, the method for ensuring that funds will be available for decommissioning and restoration, and the anticipated manner in which the solar farm project will be decommissioned and the site restored.
  - 2. Following a continuous six month period in which no electricity is generated, the permit holder will have six months to complete decommissioning of the solar farm. Decommissioning includes removal of solar panels, buildings, cabling, electrical components, and any other associated facilities below grade as described in the approved decommissioning plan.
  - 3. Prior to the issuance of a zoning compliance certificate, the applicant must provide the county with a performance guarantee as provided in subsection (4) below. The amount of the guarantee shall be one and a quarter times the estimated decommissioning cost minus the salvageable value, or \$50,000.00, whichever is greater. Estimates for decommissioning the site and salvage value shall be determined by a North Carolina licensed engineer or a licensed contractor. It is the responsibility of the applicant to provide the county with the certified cost estimate.
  - 4. The following types of performance guarantees are permitted:
    - a. A surety or performance bond that renews automatically, includes a minimum 60-day notice to the county prior to cancellation, is approved by the planning director, and is from a company on the U.S. Department of Treasury's Listing of Certified Companies. A bond certificate must be submitted to the Moore County Department of Planning each year verifying the bond has been properly renewed.
    - b. A certified check deposited with the county finance director, as escrow agent, who will deposit the check in an interest-bearing account of the county, with all interest accruing to the applicant. Funds deposited with the county finance

director will be returned when the solar farm is decommissioned and any necessary site restoration is completed.

- c. A no-contest irrevocable bank letter of credit from a banking corporation licensed to do business in the State of North Carolina. The terms of the letter must include the absolute right of the county finance director to withdraw funds from the bank upon certification by the county manager that the terms and conditions of the performance guarantee have been breached. The letter of credit must be valid up to 12 months from the date the performance guarantee was approved.
  - d. The full amount of the bond, certified check, or letter of credit must remain in full force and effect until the solar farm is decommissioned and any necessary site restoration is completed.
  - e. The land owner or tenant must notify the county when the site is abandoned.
- I. Supplemental. The applicant must secure all necessary approvals and/or permits from NCDOT for the access points for project entrances prior to issuance of a zoning authorization permit. The applicant must provide written authorization from the local utility company acknowledging and approving connection to the utility company's grid.

#### **8.99 Solar Collectors, On-Site**

- A. Definition. Solar collector panels, ground-mounted or roof-mounted systems, permitted as an accessory use in any zoning district, that gather solar radiation, as a substitute for traditional energy for water heating, active space heating and cooling, passive heating, or generating electricity.
- B. Ground Mounted Solar Panels. Shall be located in the side or rear yard, shall meet the required accessory building setbacks, shall not exceed 30% of the footprint of the principal structure, and in no case be higher than the principal structure.
- C. Roof Mounted Panels. Shall not extend beyond the perimeter of the roof and shall not project above the highest point of the roof.
- D. Supplemental. Elevation drawings shall be submitted in addition to the site plan. Solar panels shall comply with NC Building Code and National Electric Code and shall be inspected by the Building Inspector. The appropriate utility company shall approve an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

#### **8.100 Wireless Communication Facility**

- A. Definitions:
  - 1. Antenna. Communications equipment that transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services.
  - 2. Collocation. The installation or replacement of new wireless facilities on previously approved structures, including towers, buildings, utility poles, and water tanks.

3. Wireless communication facility (WCF) – The wireless support structure (WSS) and set of equipment and network components including antennas, transmitters, receiver base stations, power supplies, cabling, and associated equipment.
  4. Wireless support structure (WSS). A new or existing structure, attached or freestanding, such as a monopole, lattice tower, or guyed tower that is designed to support or capable of supporting wireless facilities. A utility pole is not a wireless support structure.
- B. All WCF and WSS Requirements. For new WCF, collocations, eligible facility requests, or expansions or modifications to an existing WCF the following shall be included:
1. Site Plan. In addition to the site plan requirements per Section 4.2, the following shall be included: details of existing and proposed facilities and fall zone radius labeled “NO BUILD ZONE.”
  2. Radio Frequency. A statement from a registered engineer that the WCF will be maintained and operated in accordance with all applicable Federal Communications Commission (FCC) rules regarding radio frequency emissions and interference and if there is interference with public safety communications, the applicant shall utilize procedures set forth by the FCC and the party causing the interference shall reimburse the County for all costs associated with resolving the interference.
  3. Structural Analysis. Signed and sealed by a NC Registered Professional Engineer that the support structure upon completion of the applicant’s installation has the structural integrity to accommodate the proposed equipment and complies with all applicable Federal and State building, fire, structural, electrical, and safety codes.
  4. Lighting. Applicant shall provide documentation that lighting shall not exceed the Federal Aviation Administration (FAA) minimum standards (minimum intensity and longest duration between flashes) and shall utilize allowed downward shielding to minimize visual impact to pedestrians and reduce the potential attraction to migratory birds. Strobe lights during daylight hours and red lights during nighttime hours unless specifically prohibited by the FAA. A WCF may utilize a security light controlled by a motion-detector sensor at or near the entrance to the facility.
  5. Owner Authorization. Proof that a property and/or antenna support structure owner’s agent has appropriate authorization to act upon the owner’s behalf if applicable.
  6. Insurance. Proof of certificates of insurance of general liability insurance in the amount of at least \$1,000,000 covering any liability arising out of its construction or operation of the WCF.
  7. Bond. Applicant shall submit a performance bond or letter of credit from an accepted bank in the amount of \$20,000 or a bond equal to the written estimate from a qualified tower removal contractor to guarantee that the facility will be removed when no longer in use. Collocation applicants shall provide evidence that the collocation is covered under the WCF bond, or shall provide a new performance bond equal to the written estimate from a qualified tower removal contractor to

remove their equipment, cabinets, antenna, feed wires and all other appurtenances in collocation applicant's ownership/lease upon applicant's cessation of use.

8. Supplemental. Completed checklist demonstrating compliance with the National Environmental Policy Act (NEPA), United States Fish and Wildlife Service, State Historic Preservation Office (SHPO), and FAA approval, if applicable.

C. Additional Requirements for WSS.

1. Buffer. Refer to Section 7.11. Grading shall be limited to necessary area.
2. Minimum Antennas. WSS up to 80 feet – 2 antennas minimum. WSS between 81 and 100 feet – 3 antennas minimum. WSS 101 and 125 feet – 4 antennas minimum. WSS 126 feet or taller – 5 antennas minimum.
3. Safety. All support structures shall be certified to comply with the safety standards contained in the Electronics Industries Association /Telecommunications Industries Association (EIA/TIA) document 222-F, or current standard, "Structural Standards For Steel Antenna Towers and Supporting Structures," or current standard, as amended, by a Registered North Carolina Professional Engineer. The use shall be totally enclosed by a security fence a minimum (6) feet high with 3-strand barbed wire or razor wire.
4. Setbacks. One foot for every 1 foot in linear height from any property line. WCF shall be a minimum 2,640 feet from any designated National Register of Historic Places.
5. Height. Any WSS shall be 195 feet or less in height. The Moore County Board of Commissioners may permit a taller tower only if undisputable evidence is provided at application that the WCF service area will be so substantially compromised that there would be a requirement of additional WCFs within a distance of two (2) miles.
6. Necessity. For all new WSS applications, a certification from the applicant's RF engineer that it is not reasonably feasible (technically or commercially impractical or the owner of the WSS is unwilling to enter a contract at fair market value) to co-locate new antennas and equipment on an existing WSS within the geographic search area.

D. Exemptions from the Requirements of this Section.

1. Amateur Radio Towers (Refer to Section 6.94).
2. Satellite earth stations (satellite dishes).
3. Routine maintenance on any existing wireless communications facility that does not include the addition of any new antenna elements, feed lines, and/or associated support equipment on the facility or in the equipment compound, or the placement of any new WCF.
4. Any repair or in-kind replacement of existing wireless facilities with facilities of the same size, which will not alter the structural integrity of the WSS in any way, will not increase the number and/or size of feed lines and/or equipment cabinets, will not alter the FCC standards regarding radiation exposure, and will not affect electrical or mechanical specifications, shall be exempt from further review provided that a copy

of the proposal including the plans and notarized certification stating such, shall be submitted by a qualified technician.

5. A government-owned WCF upon declaration of a state of emergency.
  6. Antenna-supporting structures, antennas, and/or antenna arrays for AM/FM/TV/HDTV broadcasting transmission facilities that are licensed by the FCC.
  7. Temporary mobile communication towers pursuant to a Temporary Use Permit.
- E. Biennial Operating Permit. Persons operating wireless communication facilities on the effective date of this Ordinance shall comply with this permit requirement. Before a biennial operating permit shall be issued or renewed, the applicant must certify that:
1. In compliance with current FCC rules and FCC license is in good standing.
  2. Evidence of the continued Liability Insurance of a minimum \$1,000,000.
  3. Evidence of any bond or other security if the WCF remains in full force.
  4. Permit fees shall not be pro-rated.
  5. Private business users operating a single WCF at their place of business and government uses are exempt from the fee.
- F. Abandonment. WCFs shall be removed, at the owner's expense, within 90 days of cessation of use, unless an extension is granted by the Administrator.

#### **8.101 Co-Located or Combined Existing WCF**

- A. Definition. The installation or replacement of new wireless facilities on previously approved structures, including towers, buildings, utility poles, and water tanks.
- B. Standards. Refer to Section 8.99(B & D) for submittal requirements, as applicable.

#### **8.102 Mini-Warehouse (Self-Service)**

- A. Definition. A fully enclosed building divided into units that are leased individually for storage. Storage shall be limited to dead storage. A single caretaker's residence may be included.
- B. Standards. All outdoor storage areas shall be located a minimum 50 feet from any residentially zoned property line. No business activity other than the rental of storage units shall be conducted on the premises. Outside storage, with the exception of vehicles, recreational vehicles, and boats, shall be enclosed by a chain link fence a minimum 6 feet high and shall be limited to 25% of the total area of the site. There shall be a maximum of 10 inoperable vehicles stored outdoors. 1 parking space per 300 square feet.
- C. Prohibited. On-site retail sales, flea market, manufacturing, and service operations are prohibited. However, once a month, management may conduct a one-day auction or sale of abandoned or stored materials to settle unpaid storage bills in accordance with State of North Carolina regulations. The storage of hazardous, toxic, or explosive substances shall be prohibited.

### 8.103 Warehouse, Distribution Center, Freight Terminals

- A. Definition. The indoor or outdoor / open storage of goods and materials for a specific commercial establishment or a group of establishments in a particular type of industry or commercial activity.
- B. Standards. All outdoor storage areas shall be located a minimum 50 feet from any residentially zoned property line. 1 parking space for each employee plus 1 space for each vehicle used in the operation.

### 8.104 Debris Management Facilities

- A. Definitions.
  - 1. Compost Facility – A facility which utilizes a controlled biological process of degrading non-hazardous solid waste. This definition does not include backyard composting, accessory uses to a bona fide farm, farming and silvicultural operations.
  - 2. Yard Waste Facility – A facility which stores or processes yard trash and land clearing debris. "Yard trash" is a solid waste resulting from landscaping and yard maintenance such as brush, grass, tree limbs, and similar vegetative material. "Land-clearing debris" is solid waste generated solely from land-clearing activities, including stumps, limbs, leaves, grass, and untreated wood (G.S. 130A-290). This facility is limited to 2 acres and/or 6,000 cubic yards per 3 month period. Debris shall not be buried and the facility may not be used to stockpile material, 75% of material received must be removed within the same year.
  - 3. Land Clearing and Inert Debris Landfill (LCID) – A facility for the disposal of land clearing waste, concrete, asphalt, brick, concrete block, uncontaminated soil, gravel, rock, untreated/unpainted wood, and yard trash. Debris shall be buried.
  - 4. Mulching Facility – A facility that processes, distributes, or otherwise engages in the commercial sale of mulch and ancillary mulching products. Not to include landscaping businesses, woodworking shops, lumber manufacturing or wood products or pine straw lots. Mulch is any material such as leaves, bark, chipped and/or grounded wood or other organic materials left loose and applied to the soil surface to reduce evaporation.
  - 5. Concrete Recycling Facility – A facility that deals with the processing (crushing, sorting, storing, stockpiling, grading, and washing) of hardened structural concrete to produce a reusable concrete product. Beginning on January 1<sup>st</sup> of each calendar year, a minimum of 75% by weight or volume of the recovered material stored at a facility shall be removed from the facility through sale, use, or reuse by December 31<sup>st</sup> of the same calendar year.
  - 6. Sawmills – A facility where logs are processed to produce wood products, including pallet recycling and production, and not including the processing of timber for use on the same lot by the owner or resident of that lot.
- B. Standards. Facilities shall be in accordance with Chapter 130A Article 9 of the North Carolina General Statutes, Title 15A Subchapter 13B of the North Carolina



Administrative Code (Solid Waste Management). All buildings, storage sheds, structures and parking or storage areas for vehicles, equipment, or supplies shall be set back from all property lines and public rights-of-way a minimum 30 feet or the building setbacks for the underlying zoning district, or as required by the North Carolina Department of Environmental Quality, whichever is greater. 1 parking space for each employee plus 1 space for each vehicle used in the operation. Dust, dirt, and sawdust shall be disposed of in a manner that is acceptable by the North Carolina Department of Environmental Quality. The owner(s) shall ensure the facility remains in compliance with local, State, and Federal regulations regarding air and water quality.

#### **8.105 Hazardous/Toxic Waste Disposal or Processing**

- A. Definition. As defined in NCGS Chapter 9 of Chapter 130A, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste including any substance listed as such in SARA Section 302 Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 of CWA (oil and hazardous substances). This category includes manufacturing uses associated with hazardous characteristics or significant negative impacts, including frequent noxious fumes, dust, significant amounts of caustic or flammable materials, or radioactive materials. Examples of use types of hazardous manufacturing include oil refineries; hazardous or radioactive waste disposal or storage, linseed oil, shellac, turpentine manufacture or refining; ammonia, bleaching powder or chlorine processing, and manufacture of chemicals; storage in bulk quantities above or below ground of flammable and combustible liquids, hazardous substances as provided in N.C.G.S. 143-215.77A, Chapter 18 of Chapter 95 and hazardous chemicals as provided in N.C.G.S. 95-174 but not storage at gasoline service stations in quantities for retail sales to the general public not storage for consumption on the premise.
- B. Standards. Any building or land as defined in Section 6.104A shall be located a minimum 100 feet from any property used or zoned for residential purposes and any street right-of-way. Type 3 screening (Section 7.11) shall be provided along any boundary with another property not zoned Industrial. Proposed mitigation and hazard management plans shall be provided with the submittal of the preliminary site plan. The applicant shall provide a hazard management plan approved by local emergency service agencies addressing hazards associated with movement of materials to or finished products from the site and shall provide for public safety and for mitigation of negative impacts that may include but are not limited to noise, odor, dust, chemicals, excessive vibration, and plans for public notifications and evacuations as may be necessary in the surrounding area. 3 parking spaces for each 4 employees on the largest shift plus spaces for vehicles used in the operation.
- C. Supplemental. Documentation regarding the specific materials to be manufactured or stored and the potential hazard which may be encountered in an emergency due to these materials must be provided with required application. Buildings must meet all requirements for Hazardous Occupancy under the NC Building Code. All storage

facilities shall comply with the latest edition of the “Flammable and Combustible Liquids Code, NEPA 30” of the National Fire Protection Association.

#### **8.106 Landfill**

A. Definitions.

1. Municipal Solid Waste Management Facility (MSWF) – A facility that receives municipal solid waste for processing, treatment, or disposal. Hazardous waste, sludge, industrial waste, and/or solid waste from mining or agricultural operations are prohibited.
2. Construction and Demolition Landfill Facility (C&DLF) – A facility that receives construction, remodeling, repair, and/or demolition waste. C&D waste does not include yard waste, municipal, and/or industrial wastes. Debris shall be buried.
3. Industrial Solid Waste Landfill – A facility that receives solid waste generated by manufacturing or industrial processes that is not a hazardous waste regulated under Subtitle C of Resource Conservation and Recovery Act.
4. Material Recovery Facility – A facility that receives non-hazardous solid waste which is collected, separated, processed, and/or reused or returned to use in the form of raw materials or products. Beginning on January 1<sup>st</sup> of each calendar year, a minimum of 75% by weight or volume of the recovered material stored at a facility shall be removed from the facility through sale, use, or reuse by December 31<sup>st</sup> of the same calendar year.

- B. Standards. Facilities shall be in accordance with Chapter 130A Article 9 of the North Carolina General Statutes, Title 15A Subchapter 13B of the North Carolina Administrative Code (Solid Waste Management). Except for a freestanding office, all buildings shall be located a minimum 100 feet from any property used or zoned for residential purposes and any street right-of-way. The use shall be totally enclosed by a security fence a minimum 6 feet high with 3-strand barbed wire or razor wire. A Type 3 screening (Section 7.11) shall be installed around the entire perimeter, including street right-of-way lines. 3 parking spaces for each 4 employees on the largest shift plus spaces for vehicles used in the operation.

- C. Supplemental. The applicant shall demonstrate that the stored materials will not pose a danger to surrounding properties, or residents, due to noise, light, runoff, animal or insect populations, or other factors.

#### **8.107 Mining / Quarry Operation**

- A. Definition. A land use meeting any of the following situations: (1) The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores or other solid matter. (2) Any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, soils, and other solid matter from their original location. (3) The preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial or construction use. Mining does not include: (1) Excavation or grading when conducted

solely in aid of on-site farming or of on-site construction for purposes other than mining, such as constructing a residence, garage, commercial or industrial building. (2) Mining operations where the affected land does not exceed 1 acre in area.

- B. Standards. A vegetative buffer not less than 50 feet in width (unless a lesser width is approved by the Board of Commissioners) shall be provided along all boundaries of the affected land. This buffer area shall be left at all times in a natural vegetative state or planted with a Type 3 landscape buffer (Section 7.11) that creates a visual screen. Access roads leading to any part of the operation shall be located a minimum of 50 feet from any property line of a residential use or residential zoned district. A plan shall be submitted showing truck routes to and from the site. No digging or excavating shall occur within 50 feet of any property line. The Board may approve an earthen berm(s), that may or may not be located within the 50 foot buffer, not be less than 6 feet in height at the crown and with slopes sufficient to minimize erosion, planted with vegetation. 3 parking spaces for each 4 employees on the largest shift plus spaces for vehicles used in the operation.
- C. Restoration. Before approval of a Conditional Use Permit for an excavation use, the operator shall submit a detailed plan for restoration of the site, including information on the anticipated future use of the restored land, existing and proposed final contours, and number per acre of trees or shrubs to be planted.
- D. Supplemental. Definitions as listed in the NCGS and The Mining Act of 1971, both of North Carolina and as amended, shall apply to this Subsection. No site disturbing activities are allowed until a Mining Permit has been issued by the State of North Carolina. All mining activities in Moore County shall conform to the vibration policy adopted by the Land Quality Section of the North Carolina Department of Environmental Quality.

#### **8.108 Salvage Yards**

- A. Definition. Any area, in whole or in part, where any type of equipment, including but not limited to vehicles, appliances and related machinery are bought, sold, exchanged, stored, baled, packed, disassembled, or recycled. A “salvage yard” includes the terms vehicle wrecking yard, automobile graveyard, and junk yard as defined in NCGS 136-143.
- B. Standards. Refer to Section 8.105 B and C.

#### **8.109 Construction Office, Temporary**

- A. Definition. Construction trailers and storage of materials are permitted in conjunction with the construction of a building, subdivision, infrastructure, or development when limited to the duration of the construction.
- B. Standards. Such temporary buildings shall be removed after construction ceases for a period of 3 months or 30 days after the issuance of the certificate of occupancy. Such use shall be located a minimum 10 feet off all road rights-of-way and property lines in a

residential district. In all other districts the office may be placed in any required setbacks. Temporary uses shall comply with all other appropriate provisions of this Chapter and state building codes.

#### **8.110 Drop-In Child Care Facility**

- A. Definition. Per NCGS 110- 86(2)(d)(d1), drop-in or short-term care provided while parents participate in activities that are not employment related and where the parents are on the premises or otherwise easily accessible, such as drop-in or short-term care provided in health spas, bowling alleys, shopping malls, resort hotels, or churches. Drop-in or short-term care can also be provided by an employer for its part-time employees where the child is provided care not to exceed 2 ½ hours during that day, the parents are on the premises, and there are no more than 25 children in any one group in any one room.

#### **8.111 Itinerant Merchant**

- A. Definition. The temporary sales of merchandise and/or food on premises which the vendor does not have a permanent retail operation.
- B. Standards. The owner of the property shall authorize in writing for the temporary use to be held on the property. The temporary use shall be located so that it does not encroach on required setbacks or street right-of-way. The use may be permitted for a maximum of 90 consecutive days. These restrictions shall not be applicable to special events recognized by the County where mobile food vendors are permitted or nonprofit fundraising events of 5 days or less. A maximum of 1 building/display booth shall be allowed. The building/display booth must be portable and completely removed at the end of the period. Sales shall be limited to the daylight hours.
- C. Supplemental. Itinerant merchants are exempt from Highway Corridor Overlay Districts, Screening Requirements, and Parking requirements of this Ordinance. NCDOT driveway approval is required. Portable food sales shall be approved by the Moore County Department of Environmental Health.

#### **8.112 Land Clearing and Sawmills, Temporary**

- A. Definition. Removal of stumps, limbs, leaves, concrete block, brick, rock, gravel, wood, and uncontaminated earth.
- B. Supplemental. Temporary land clearing is exempt from zoning standards but may require approval by the NC Department of Environmental Quality for projects that require a Sedimentation and Erosion Control Plan and/or resulting in the disturbance of 1 acre or more of land area, the US Army Corp of Engineers for projects requiring 404 Permits for the discharge of fill material into streams, wetlands and open waters, and by the NC Division of Water Resources (DWR) for projects requiring 401 water quality certification which is required for any licensed activity that may result in a discharge to waters of the U.S.

### **8.113 Manufactured Home or Recreational Vehicle, Temporary Use**

- A. Definition. Temporary manufactured home or RV in conjunction with major renovation, construction of a single family or manufactured dwelling, or due to casualty damage.

Standards. A temporary dwelling may be permitted concurrently with or after the issuance of the building permit for the principal dwelling for up to 12 months, which may be extended once by the Administrator for an additional 6 month. Upon expiration of said eighteen-month period, the expiration of the building permit for the dwelling, or within 30 days of the Certificate of Occupancy, the temporary permit shall become invalid. In the event of a natural disaster, manufactured homes, RVs, and FEMA trailers may be permitted, including on a separate lot, without a building permit being issued for the damaged home, and may receive multiple extensions beyond the 12 months for the temporary use, as determined necessary by the Zoning Administrator.

### **8.114 Real Estate Office, Temporary**

- A. Definition. Residential and non-residential sales and leasing are permitted as a temporary use in a dwelling (model home) or tenant space or within a temporary building located in the same subdivision or development where the dwellings or non-residential buildings are to be located.
- B. Standards. The sales use is permitted until the issuance of the last certificate of occupancy of open and valid building permits within the subdivision or development. A model home shall be converted to residential use after it used as a model home. The real estate sales office, or model home, shall be located on a lot that was approved as part of the subdivision or development and complies with the minimum yard and setback requirements of the zoning district in which it is located.

### **8.115 Temporary Event (Special Event)**

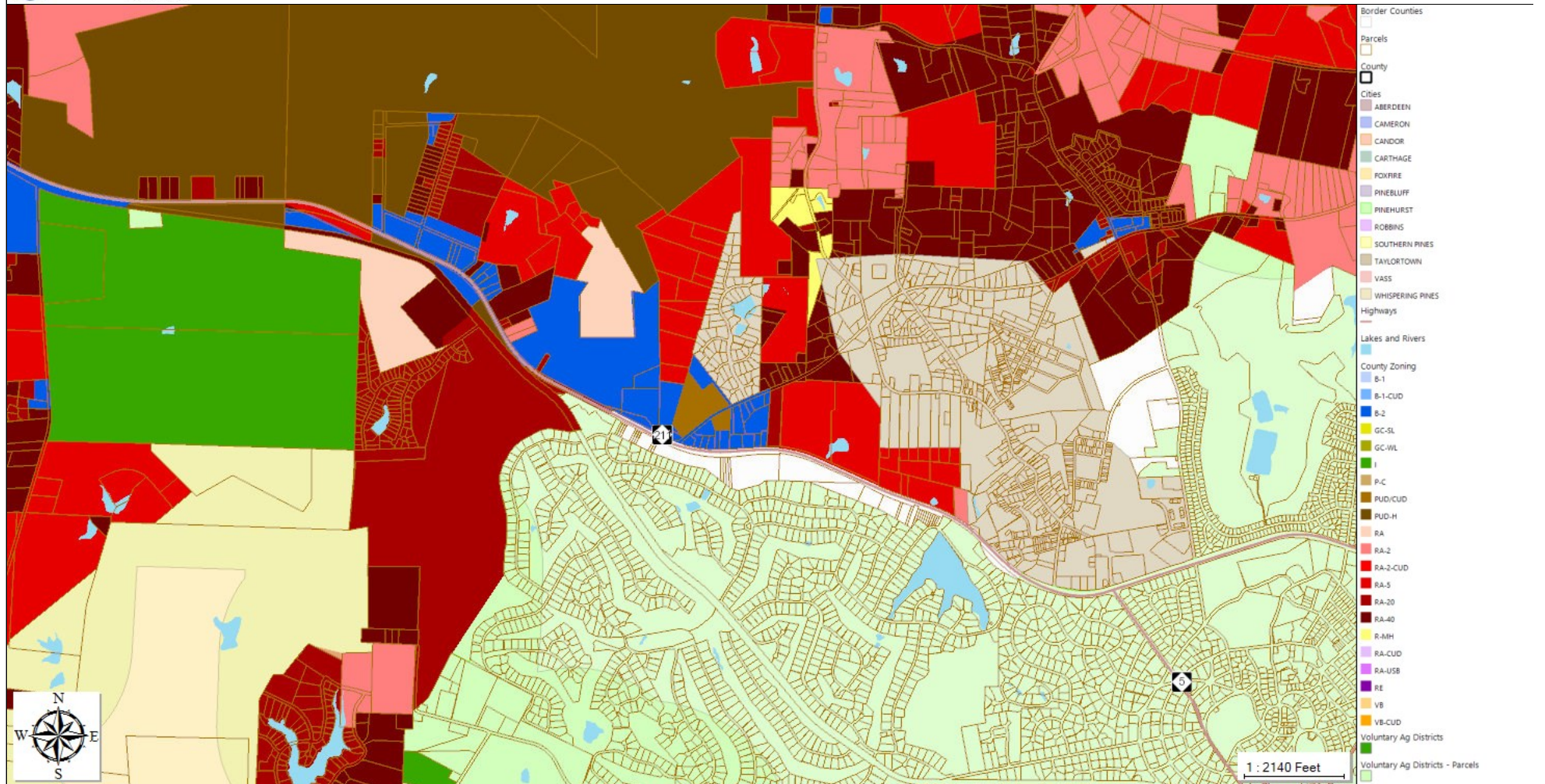
- A. Definition. A group activity including, but not limited to, a performance, meeting, assembly, contest, exhibit, ceremony, or non-routine activity, within the community that will bring together a large number of people including, but not limited to, cultural events, musical events, celebrations, festivals, fairs, carnivals, circuses, and communal camping.
- B. Standards. Special events cannot be held longer than 14 consecutive days once every 6 months on the same lot. The owner of the property shall authorize in writing for the event to be held on the property. The temporary parking lot can be located on the same site as the activity or as a satellite parking lot. The use of public street right-of-ways for parking shall be prohibited. Activities creating loud noises (horns, speakers, music) shall not be located within 1,000 feet of residences not located on the site without written permission from the property owner(s). Structures associated with the use shall be permitted provided they are removed at the end of the event. Permanent signs are prohibited. All temporary signs shall be approved under Section 7.16 (Signs).
- C. Causes for Denial.

1. The application contains intentionally false or materially misleading information.
  2. There is a finding that the special event would create an unreasonable risk of significant damage to public or private property, beyond normal wear and tear, injury to persons, and other adverse effects upon the public health, safety, or welfare.
  3. The special event is of such a nature, size, or duration that the particular location requested cannot reasonably accommodate the event.
- D. Additional Conditions. In approving the special event, the Administrator is authorized to impose such conditions to minimize any potential adverse impacts including the following:
1. Provision of temporary parking facilities, including vehicular access and egress.
  2. Control of nuisance factors such as the prevention of direct illumination of abutting properties, noise, vibrations, smoke, and dust.
  3. Location and size of temporary buildings, structures and facilities.
  4. Provision of sanitary, medical facilities, and solid waste collection and disposal.
  5. Provision of security and safety measures.
  6. Modification or elimination of certain proposed activities including limitation of the duration of the special event to a shorter time period.
- E. Supplemental. Zoning approval is contingent on required approvals from the Moore County Department of Environmental Health, Department of Public Safety, NCDOT Driveway Permit Approval, and other applicable state, local, and federal laws.

#### **8.116 Yard Sales, Residential and Civic (limit 4 per year)**

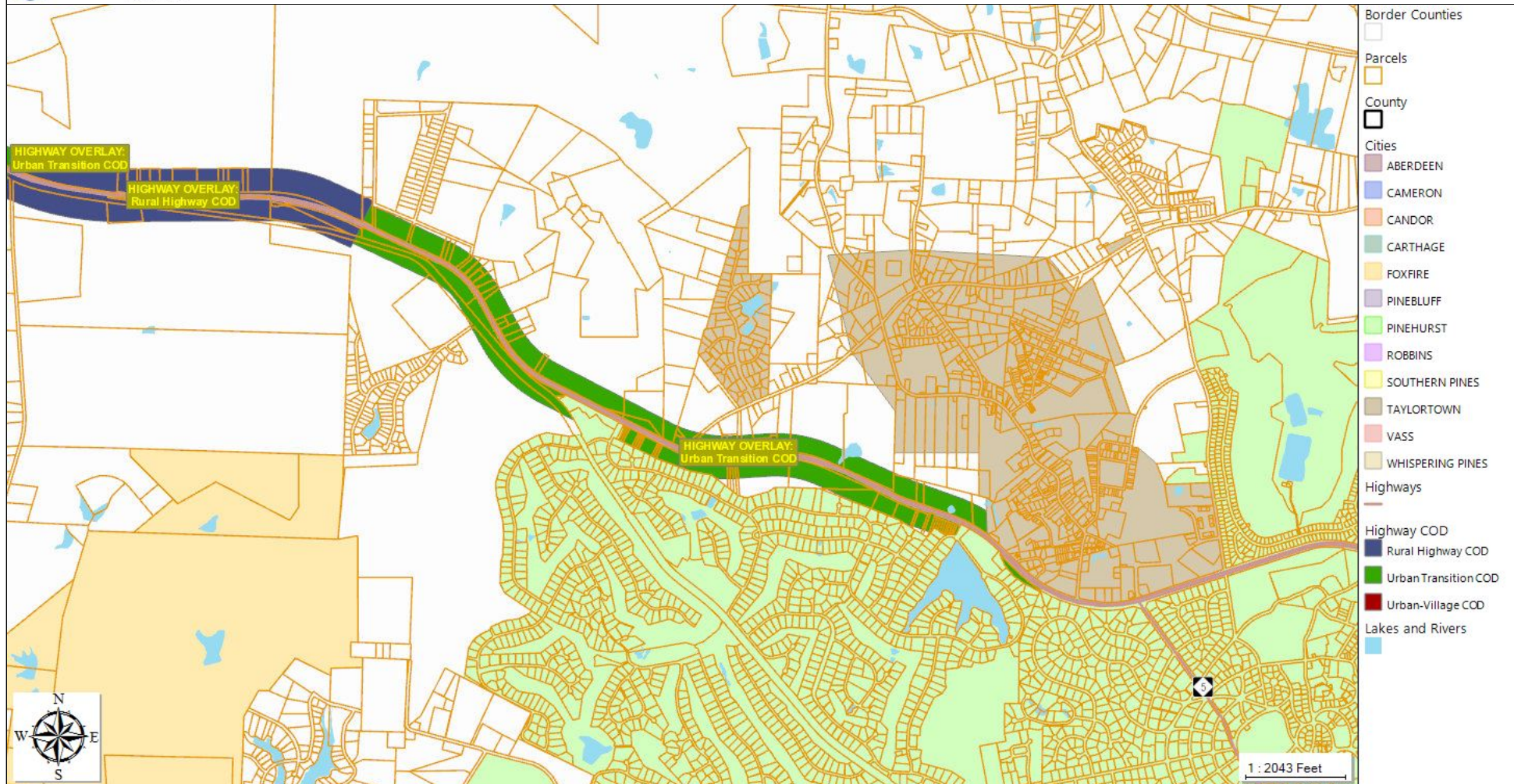
- A. Definition. A temporary sale of normal used household goods by an individual occupant of a residence, a coordinated group of homeowners within an established development, or a non-profit civic or religious organization for the purpose of selling surplus household items for profit or for charitable purposes.
- B. Standards. Yard sales are exempt from requiring a zoning permit but shall be limited to 3 consecutive days 6 times a year on any 1 lot. Any signs advertising such yard sale shall be removed at the conclusion of the sale. Signage shall be in accordance with Section 6.17 (Signs).
- C. Prohibited. Items purchased elsewhere expressly for resale are prohibited. Goods intended for sale shall not be stored or displayed in the front or side yards of a dwelling except on the day of the sale.





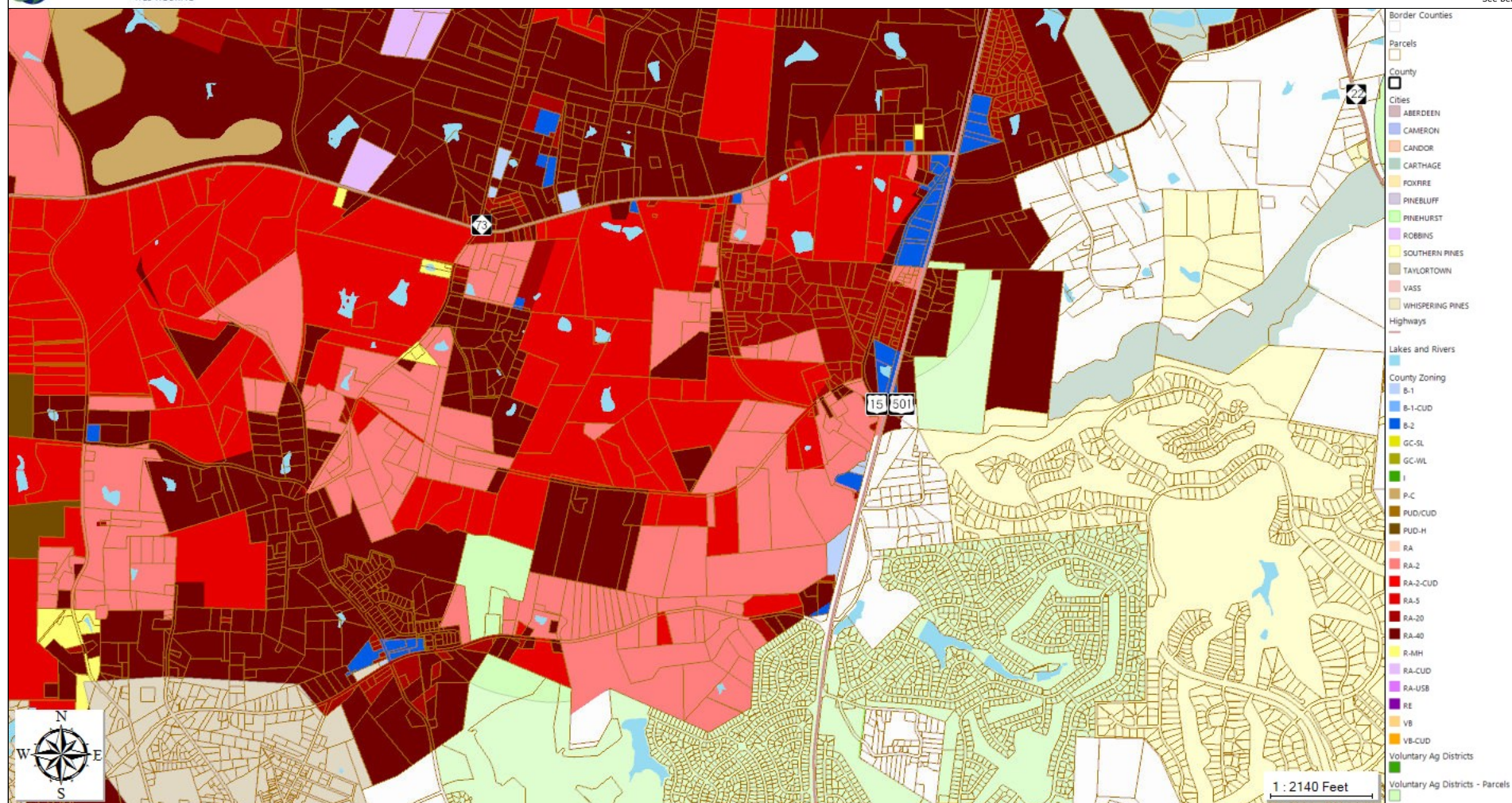
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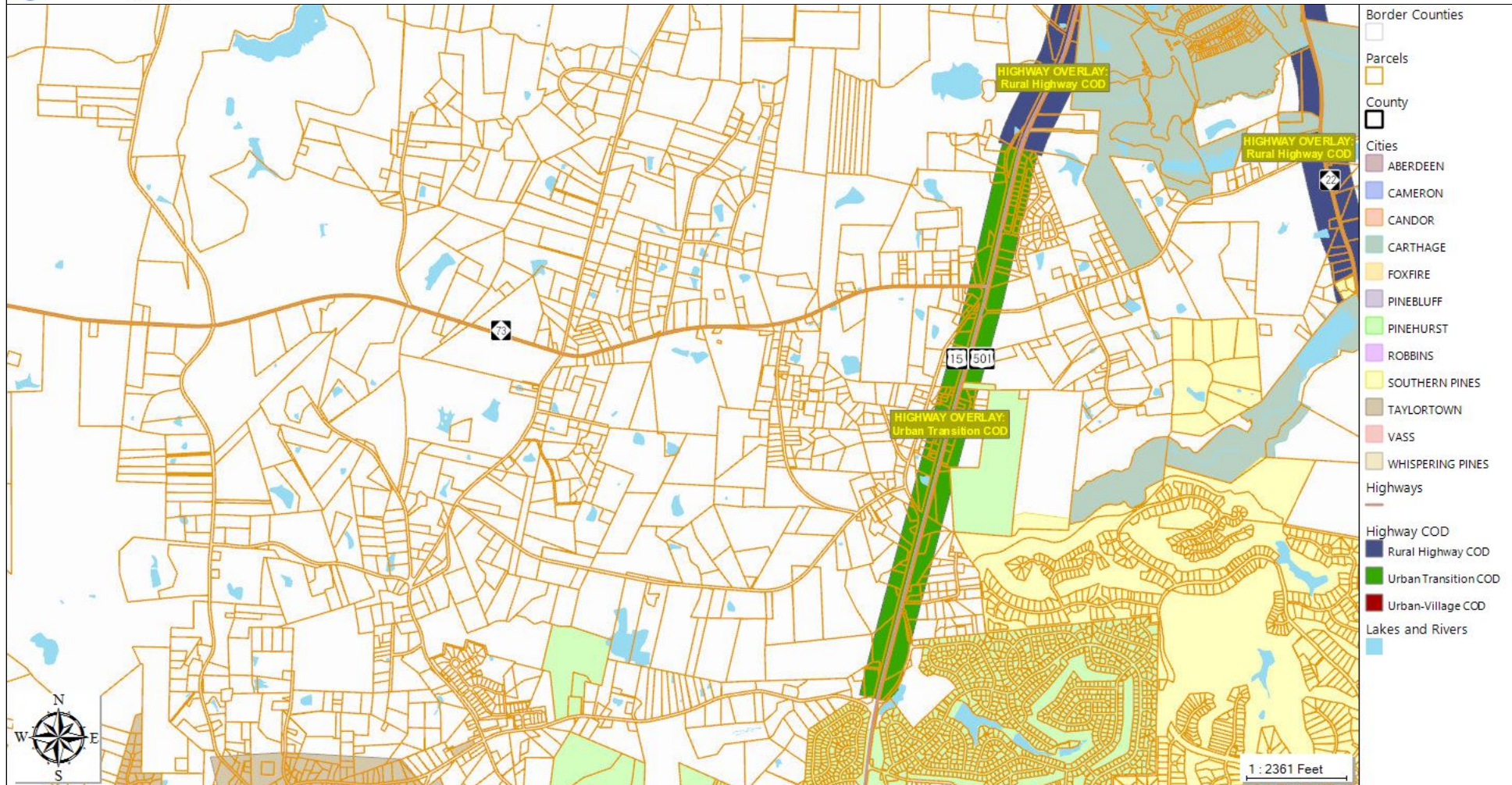
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