

## **ARTICLE 10. TABLE OF PERMITTED USES**

Districts in which particular uses are permitted as a use-by-right are indicated by "P." Uses not specifically listed in the Table of Permitted Uses are prohibited.

Districts in which particular uses are permitted as a special use upon approval of the Town Council are indicated by "S." See the Table of Regulations for Special Uses, Section 12-18, for details of each special use. *(Amended 8/2/2021)*

Districts in which particular uses are prohibited are indicated by a blank.

Any land use listed in the Table of Permitted Uses that incorporates or utilizes a drive-in facility must have its site design plan and proposed traffic circulation and parking plan approved by the Town of Pembroke. Those plans must be approved prior to construction of the drive-in facility.

Minimum zoning district area (acreage) requirements are defined in Article 11, Table of Area, Yard, and Height Requirements.

TABLE OF PERMITTED USES (Amended 1/7/2013; 6/4/2018; 8/2/2021)

PERMITTED USES	ICS*	R-20	R-10	R-8	O&I	C-1	C-2	C-3	I**	OS	CDO1****	CDO2****
ACCESSORY BUILDINGS AS LIVING QUARTERS (see Note 4)		S	S	S								
ACCESSORY NON-PROFIT TEMPORARY RECREATIONAL VEHICLE PARKING (see Note 40) (Amended 8/5/2019)					S							
ACCESSORY STRUCTURES/BUILDINGS (see Note 4)		P	P	P	P	P	P	P	P			
ACCESSORY USES Incidental to any permitted use (see Note 4)		P	P	P	P	P	P	P	P			
ADULT BUSINESSES (see Note 5)									S			
AGRICULTURAL AND FORESTRY USES	11	P							P			
AGRICULTURAL VENDING MACHINE (see Note 29) (Amended 6/6/2016)								S				
AGRITOURISM (Amended 8/5/2019)		P										
ALCOHOLIC BEVERAGES (PACKAGE RETAIL SALES)						P						
ANIMAL HOSPITALS/ VETERINARIANS	541940							P				
ANIMAL KENNELS/BOARDING FACILITIES including accessory grooming	812910/ 112990							P				
ANTIQUA SHOPS	453310					P						
APPLIANCE STORES						P		P				
APPLIANCE REPAIR STORES								P				
ART GALLERIES	541430					P						

\*ICS - North American Industry Classification System. See Note 1.

\*\*See Note 2.

\*\*\*See Note 3.

\*\*\*\*Uses will be the same as those allowed in the underlying zoning district. See Notes 36 and 37.

PERMITTED USES	ICS*	R-20	R-10	R-8	O&I	C-1	C-2	C-3	I**	OS	CDO1****	CDO2****
ART GOODS STORES						P						
ASSEMBLY HALLS (see Note 30) (Amended 4/3/2017)								S				
ASSISTED LIVING RESIDENCE		P										
AUTOMATED TELLER MACHINE (ATM) (Amended 6/6/2016)					P	P	P	P	P			
AUTOMOBILE AND TRUCK DEALERS	441110								P			
AUTOMOBILE DETAILING SHOP (see Note 7A) (Amended 8/7/2023)	811192					S		P				
AUTOMOBILE JUNKYARDS AND WRECKING YARDS (see Note 6)	493190								S			
AUTOMOBILE PARTS AND SUPPLY STORE (Amended 6/4/2018)	441310							P	P			
AUTOMOBILE RENTING AND LEASING (Amended 6/4/2018)	532111/ 532112								P			
AUTOMOTIVE REPAIR (see Note 33) (Amended 8/3/2020)						S		P	P			
AUTOMOBILE SALES (Amended 11/7/2016; 6/4/2018)	811111							P	P			
AUTOMOBILE SERVICE STATIONS (see Note 7)	447190						P	P	P			
AUTOMOBILE WASH (see Note 7A) (Amended 8/3/2015; 8/7/2023)	811192							P				
BAKERY PRODUCTS, CANDY, CONFECTIONARY MANUFACTURING	311821					P		P				
BANKS, without drive-in facilities						P	P	P				

\*ICS - North American Industry Classification System. See Note 1.

\*\*See Note 2.

\*\*\*See Note 3.

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PERMITTED USES	ICS*	R-20	R-10	R-8	O&I	C-1	C-2	C-3	I**	OS	CDO1****	CDO2****
BANKS, with drive-in facilities						P	P	P				
BARBER OR BEAUTY SHOPS	812111/ 812112				P	P	P	P				
BARBER SCHOOLS						P						
BED AND BREAKFAST	721199	P		P	P			P				
BICYCLE SHOP						P						
BILLIARD AND POOL HALLS						P		P				
BONA FIDE FARMS and their customary appurtenances		P	P	P					P	P		
BOOK STORES						P						
BOWLING ALLEYS	713950					P		P				
BREW PUB AS A PART OF A MIXED-USE DEVELOPMENT (see Note 35) (Amended 3/7/2022)					S	S						
BUILDING MATERIALS SALES AND STORAGE	444190							S	P			
BUILDINGS, GOVERNMENTAL		P	P	P	P	P	P	P	P			
BUS STATIONS	485113							P				
BUSINESS, ARTS, AND PROFESSIONAL SCHOOLS					P	P						
CAMERA SHOP						P						
CAR WASHES (see Note 7A) (Amended 8/3/2015)	811192							P				
CARPET AND RUG DEALERS	442210					P						
CARPET AND UPHOLSTERY CLEANERS	561740							P	P			

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\*\*See Note 2.

\*\*\*See Note 3.

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PERMITTED USES	ICS*	R-20	R-10	R-8	O&I	C-1	C-2	C-3	I**	OS	CDO1****	CDO2****
CATERING ESTABLISHMENTS	722320					P	P	P				
CEMETERIES (see Note 8)	812220	P		P						P		
CHURCHES/PLACES OF WORSHIP (Including rectories, parsonages, manses, parish houses, and nunneries.)	813110	P	P	P	P	S						
CIVIC AND FRATERNAL MEETING HALLS	813110	S		S	P							
CLOTHING AND FINISHED FABRIC PRODUCTS	4481					P						
CLUBS, PRIVATE (FOR PROFIT) (See Note 38) (Amended 6/4/2018)								S				
CLUBS, PUBLIC OR PRIVATE (NONPROFIT), including meeting hall, lodge, and athletic facility (Amended 6/4/2018)		P			P							
COMMUNITY CENTERS		P	P	P	P	P						
COMMERCIAL AMUSEMENT USE (See Note 44) (Amended 2/7/2022)								P				
COLLEGES		S	S	S	S	P						
CONTRACTORS, BUILDING (with storage)	233210							P	P			
CONTRACTORS, EQUIPMENT								P	P			
CONTRACTORS, HEAVY CONSTRUCTION	234990							P	P			
CONTRACTORS, SPECIAL TRADES (no storage)						P		P	P			
CONVALESCENT, NURSING, AND REST HOMES	623110	P		P	P							
CONVENIENCE FOOD STORES, BUT NOT INCLUDING CAR WASHES	445120						P	P				

\*ICS - North American Industry Classification System. See Note 1.

\*\*See Note 2.

\*\*\*See Note 3.

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PERMITTED USES	ICS*	R-20	R-10	R-8	O&I	C-1	C-2	C-3	I**	OS	CDO1****	CDO2****
CONVENIENCE STORES WITH GAS PUMPS <i>(Amended 1/2/2018)</i>								P	P			
COUNTRY CLUBS	721310	P	P	P	P							
DAY CARE FACILITIES -ADULT (see Note 9)	624120	P		P	P							
DAY CARE FACILITIES -CHILD	624410	P	P	P	P							
DAY CARE, HOME -CHILD		P	P	P	P							
DAY SUPPORT FACILITY (see Note 9A) <i>(Amended 8/4/2014)</i>								S				
DENTAL CLINICS, OFFICES, AND LABORATORIES					P							
DRUG STORES						P	P	P				
DRY GOODS						P						
DWELLING, MULTI-FAMILY AND TOWNHOUSES (R-8/O&I, see Section 13.2; C-1, see Note 45) <i>(Amended 6/26/2017; 2/7/2022)</i>	233220			P	S	S						
DWELLING, SINGLE-FAMILY	233210	P	P	P								
DWELLING, TWO FAMILY <i>(Amended 8/3/20, 4/4/22)</i>		P	S	P								
ELECTRICAL AND ELECTRICAL MACHINERY, EQUIPMENT AND SUPPLIES	4218					P						
FAMILY CARE HOME (see Note 9)	621610	P	P	P	P							
FARMER'S MARKET	445230							P	P			
FARM MACHINERY SALES						P						
FEED AND SEED SALES						P						

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\*\*See Note 2.

\*\*\*See Note 3.

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PERMITTED USES	ICS*	R-20	R-10	R-8	O&I	C-1	C-2	C-3	I**	OS	CDO1****	CDO2****
FENCE (See Note 25) (Amended 9/2/2014)		P	P	P	P	P	P	P	P	P		
FENCE, SECURITY (See Note 25) (Amended 9/2/2014)								P	P			
FERTILIZER MANUFACTURER OR SALE									P			
FINANCIAL INSTITUTIONS, without drive-in facilities	522120					P						
FINANCIAL INSTITUTIONS, with drive-in facilities						P						
FLEA MARKETS/VENDOR MARKETS	453310							P	P			
FLOOR COVERING AND HOUSE ACCESSORIES SALES						P						
FLORAL AND GIFT SHOPS	453110				P	P						
FOOD STORES (GROCERY)	445110					P		P				
FOOD TRUCKS (see Note 34) (Amended 4/3/2017)						P		P				
FUNERAL HOMES	812210				P			P				
FURNITURE AND FIXTURES	337215					P						
FURRIERS/FUR STORAGE						P						
GAS PUMPING STATIONS (unmanned, credit cards only) (see Note 7)									P			
GENERAL MERCHANDISE STORES								P				
GIFT SHOP						P	P	P				
GOLF COURSES, PRIVATE NONCOMMERCIAL AND ACCESSORY USES (But not including golf driving ranges, pitch and putt or miniature golf courses.)	713910	P	P	P						P		
GOLF COURSES, PUBLIC		P	P	P						P		

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\*\*See Note 2.

\*\*\*See Note 3.

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PERMITTED USES	ICS*	R-20	R-10	R-8	O&I	C-1	C-2	C-3	I**	OS	CDO1****	CDO2****
GOVERNMENT OFFICES AND BUILDINGS <i>(Amended 2/7/2022)</i>					P	P	P	P	P			
GRANNY PODS/TEMPORARY HEALTH CARE STRUCTURES <i>(see Note 27) (Amended 11/3/2014)</i>		P	P	P	P							
GREENHOUSES AND PLANT NURSERIES	1114	P										
HARDWARE STORES	444130					P						
HEALTH CLUBS						P	P	P				
HOBBY GOODS STORE						P						
HOME OCCUPATIONS <i>(see Note 10)</i>		P	P	P								
HOSPITALS	622110			P				P				
ICE VENDING MACHINE <i>(see Note 29) (Amended 6/6/2016)</i>								S				
INDUSTRIAL RESEARCH OFFICES AND LABORATORIES	541710								P			
INDUSTRIAL PARKS									P			
JEWELRY STORE						P						
LAUNDRY AND DRY-CLEANING ESTABLISHMENTS <i>(see Note 11)</i>	812320						P	P				
LAUNDRY PICK-UP FACILITIES	812320					P	P	P				
LAWN AND GARDEN STORES	4442							P	P			
LEATHER PRODUCTS <i>(no tanning or production)</i>	448320					P						
LIBRARIES					P	P						

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\*\*See Note 2.

\*\*\*See Note 3.

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PERMITTED USES	ICS*	R-20	R-10	R-8	O&I	C-1	C-2	C-3	I**	OS	CDO1****	CDO2****
MANUFACTURED HOME, CLASS A on individual lot (see Note 46) (Amended 9/5/2023)		P		S								
MANUFACTURED HOME, CLASS B on individual lot		P										
MANUFACTURED HOME PARK	531190	S										
MANUFACTURING (assembling and processing industries provided that all operations are conducted within an enclosed structure and that there is no outside storage except in the rear yard)	31-33								P			
MANUFACTURING, PROCESSING, OR WAREHOUSING OR TRANSPORTATION USE OR PUBLIC USE OR UTILITY (see Note 12)									P			
MEDICAL CLINICS, OFFICES, AND LABORATORIES (see Note 13)		S			P			P				
MIXED USE (see Note 35) (Amended 2/5/2018)					S	S						
MOTELS/HOTELS	721110					P		P				
MOTORCYCLE SALES AND SERVICES	441221					P						
MOVERS, VAN LINES, AND STORAGE	484210							P				
MUSEUMS						P						
MUSIC, ART, AND DANCE SCHOOLS						P						
MUSICAL EQUIPMENT SALES						P						
NATURE OBSERVATION POINTS/PRESERVES									P			
NC LICENSED MASSAGE THERAPISTS (see Note 41) (Amended 3/1/2021)			S		P	P	P	P				

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PERMITTED USES	ICS*	R-20	R-10	R-8	O&I	C-1	C-2	C-3	I**	OS	CDO1****	CDO2****
NEWSPAPER PRINTING AND PUBLISHING SERVICES	511130					P						
NEWSSTANDS, MAGAZINE STANDS						P						
OFFICE, COMPUTING AND ACCOUNTING MACHINES (SALES)	421420					P	P	P				
OFFICE, (PROFESSIONAL, BUSINESS, FINANCIAL AND MEDICAL) <i>(Amended 2/7/2022)</i>	621				P	P	P	P				
OFFICES (PRIMARY USES, NOT ACCESSORY)	621				P	P	P	P				
OPEN SPACE LAND										P		
OPTICIANS AND OPTICAL GOODS					P	P	P	P				
OUTDOOR SALES, SERVICE, OR STORAGE AREAS									P			
OUTPATIENT HEALTH SERVICE/ADMINISTRATIVE OFFICE					P	P	P	P				
OUTLET STORES FOR INDUSTRIAL ESTABLISHMENTS (see Note 14)									P			
PACKAGE DELIVERY SERVICES, COMMERCIAL	492210								P			
PAINT STORE						P						
PARKING LOTS	812930					P		P		P		
PARKING STRUCTURES AND UNDERGROUND PARKING GARAGES						P		P		P		
PARKS AND RECREATION AREAS		P	P	P	P	P				P		
HIGHWAY ORIENTED OUTDOOR PLACES OF RECREATION AND ENTERTAINMENT NOT TO INCLUDE DRIVE-IN THEATERS								P				

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\*\*See Note 2.

\*\*\*See Note 3.

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PERMITTED USES	ICS*	R-20	R-10	R-8	O&I	C-1	C-2	C-3	I**	OS	CDO1****	CDO2****
PAWNSHOP OR USED MERCHANDISE STORE (see Note 28) (Amended 5/2/2016)	522298					S		P				
PET STORE						P						
PHOTOGRAPHERS	541922				P	P	P	P				
PLAYGROUNDS		P	P	P	P	P						
PLUMBING FIXTURES SALES						P						
POTTERY AND RELATED PRODUCTS	327112							P				
PRINTING AND PUBLISHING	323110					P						
PUBLIC SAFETY STATIONS SUCH AS FIRE STATIONS, POLICE STATIONS, AND RESCUE SQUADS (Amended 5/4/2020)				P				P				
PUBLIC UTILITY STORAGE OR SERVICE YARDS						P	P		P			
PUBLIC UTILITY SUBSTATIONS/SWITCHING STATIONS (see Note 15)		P	P	P	P	P		P	P			
PUMP STATIONS, MUNICIPALLY OWNED (see Note 15)		P	P	P	P	P	P	P	P			
RADIO, TELEVISION, AND RADAR TOWERS (see Note 16)		S							P			
RADIO, TELEVISION STATIONS, STUDIOS, AND OFFICES						P		P				
RADIO AND TELEVISION SUPPLIERS AND REPAIR SHOPS						P		P				
RAILROADS (see Note 17)		S	S	S	S	S	S	S	S	S		

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PERMITTED USES	ICS*	R-20	R-10	R-8	O&I	C-1	C-2	C-3	I**	OS	CDO1****	CDO2****
RECREATION BUILDINGS AND FACILITIES FOR RESIDENTIAL DEVELOPMENTS		P	P	P								
RESTAURANTS AND DRIVE-IN RESTAURANTS	722110					P	P	P	P			
RESTAURANTS AND CAFETERIAS primarily for employees, patients, or students located in same building as another use and having no outside advertising or drive-in facilities						P		P				
RESTAURANTS WITH NON-FOOD SERVICE-RELATED ENTERTAINMENT as an accessory use (see Note 35) <i>(Amended 3/7/2022)</i>					S	S	S	S	S			
RETAIL ESTABLISHMENTS NOT MENTIONED ELSEWHERE, BUT NOT INCLUDING CONVENIENCE STORES, CAR WASHES, SERVICE STATIONS, NOR MOTOR VEHICLE FUEL PUMPS.	Depends on Type					P						
RETAIL OR WHOLESALE BUSINESS, EDUCATIONAL, MEDICAL, DENTAL, OPTICAL ESTABLISHMENT, OR SERVICE ESTABLISHMENT (see Note 18)						P						
RETIREMENT/ELDERLY FACILITIES					P	P		P				
ROOMING AND BOARDING HOUSES					P			P				
SCHOOLS, PUBLIC AND PRIVATE - Elementary and/or secondary school meeting all requirements of the compulsory education laws of the state, and not providing residential accommodations.	611110	P	P	P	P							
SHOE STORE, AND REPAIR						P		P				
SOLAR ENERGY GENERATING FACILITY, ACCESSORY (See Note 26b) <i>(Amended 8/2/2021)</i>		P	P	P	P	P	P	P	P			

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PERMITTED USES	ICS*	R-20	R-10	R-8	O&I	C-1	C-2	C-3	I**	OS	CDO1****	CDO2****
SOLAR FARMS (See Note 26) (Amended 11/7/2016)									S			
SHOPPING CENTERS AND MALLS								P				
SMOKE SHOPS AND TOBACCO STORES (see Note 39) (Amended 9/4/2018)								S				
SPECIAL EVENTS (see Note 31) (Amended 4/3/2017)		S						S				
SPORTING GOODS STORE						P						
SUPERMARKETS								P				
SWIMMING POOLS, PRIVATE NONCOMMERCIAL AND ACCESSORY USES		P	P	P								
TAILORS/DRESSMAKERS AND MILLINERY SHOPS								P				
TATTOO PARLOR (see Note 24)								S				
TAXI STANDS	485310					P		P				
TELECOMMUNICATION FACILITIES	513340	S	S	S	S	S	S	S	S			
TEMPORARY OFFICE UNITS (see Note 19)		P	P	P	P	P	P	P	P			
TEMPORARY SALE OF AGRICULTURAL PRODUCTS GROWN OFF-SITE (see Note 32) (Amended 4/3/2017)								P				
TENNIS COURTS, PRIVATE NONCOMMERCIAL AND ACCESSORY USES		P	P	P								
THEATERS (INDOOR)						P		P				
THEATERS, DRIVE-IN (see Note 20)								S				
TOWING SERVICES	448410							P	P			

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PERMITTED USES	ICS*	R-20	R-10	R-8	O&I	C-1	C-2	C-3	I**	OS	CDO1****	CDO2****
TOY STORE						P						
TRANSPORTATION NETWORKS										P		
US POSTAL SERVICES	491110					P	P	P	P			
VETERANS OUTREACH CENTER								P				
WAREHOUSING USES, INCLUDING MINI-STORAGE (Amended 8/7/2023)	493110							P	P			
WHOLESALE MERCHANTS	813910					P		P	P			
WHOLESALE STORAGE OF GASOLINE OR BULK TERMINAL PLANTS (see Note 21)	486210								P			
WIND ENERGY GENERATING FACILITY, ACCESSORY (See Note 42) (Amended 8/2/2021)		P	P	P	P	P	P	P	P			
WIND FARMS (See Note 43) (Amended 8/2/2021)		S							S			

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## **Section 10-1: Notes to the Table of Permitted Uses**

Note 1. The Standard Industrial Classification Codes indicated in Article 10, Table of Permitted Uses are for reference purposes only, and do not mean that all uses under a specified code heading as provided in the Standard Industrial Classification Manual are permitted or special uses in the applicable zone.

Note 2. Site Development and Operations Standards within the Industrial District.

- (A) Any industrial use may be permitted as a special use providing it can meet local, state and federal environmental requirements with regard to emissions into the air, water or public sewer systems within the town planning area. Such industries shall obtain the necessary permits from applicable agencies, such as the county health department or the North Carolina Department of Environment and Natural Resources.
- (B) Parking, access, and circulation lanes between the principal building and the street(s) shall be surfaced with blacktop, concrete or brick and shall be separated from required yards or open areas by continuous curbing or some other acceptable method (decorative fencing, hedge, planter, etc.) which will define and separate vehicular areas from required yards and pedestrian traffic.
- (C) Paved parking areas may encroach into fifty percent (50%) of the width of any required yard. Gravel or unimproved parking areas shall comply with all minimum yard requirements.
- (D) Outdoor storage, display, operations, or service areas, when proposed in conjunction with a special or special use permit request, shall not encroach into any required yard unless specifically authorized under the terms of the special use permit.
- (E) It is recommended that in these districts, as much of each tract as possible be left in a natural or enhanced state of vegetation. Removal of existing viable natural vegetation shall be discouraged.
- (F) Landscaping between the street and the principal building on the site shall be required to meet the landscaping requirements of Article 15 of this Ordinance. *(Amended 8/2/2021)*

Note 3. Land Use Within the Planned Unit Development. All uses listed in the Table of Permitted Uses as a use-by-right in the PUD district shall be specified to be developed on certain sites within the PUD district at the time of the approval of the preliminary plan. Commercial activities shall be permitted only as a major site development plan.

Note 4. Accessory Uses or Structures. A use or a structure on the same lot with, but of a nature customarily incidental and subordinate to the principal use or structure and which contributes to the comfort, convenience, or necessity of occupants, business or industry in the principal building or use being served. No tent, mobile home, camper, travel trailer, nor any other temporary, portable, or removable trailer, container, vehicle, or structure of any kind may be considered an accessory use or accessory structure, whether or not the wheels, axles, and/or tongue have or has been removed and whether or not the container, structure, or vehicle as described herein has been placed on a foundation, except as hereinafter described. Provided, however, that structures such as storage sheds, garden sheds, and similar structures shall be considered accessory buildings, even though they may be capable of being lifted or disassembled and removed from the property. Further provided, that a trailer, tent, or similar container, structure, or vehicle may be placed on property on a temporary basis for promotional or other business or charitable related purposes, but such use shall not continue for more than six months.

No accessory building or use shall be erected in any required front or side yard or within ten (10) feet of any lot line or any other building. Well or pump houses may be exempt from this requirement upon recommendation of the Robeson County Health Department. No accessory building or use may be erected or installed on any lot where a principal building does not exist. For parcels less than one (1) acre in size, the total square footage of all accessory structures shall not exceed 50% of the square footage of the primary structure. For parcels one (1) acre or greater in size, the total square footage of all accessory structures shall be no more than 75% of the square footage of the primary structure. In no case shall there be more than three (3) accessory structures located upon one parcel of land. Accessory building numbers limitation on property are exempt if the property is identified as having a farm tax identification number. The side and rear setbacks for farm property shall be the same as other accessory buildings. *(Amended 3/4/2024)*

Accessory buildings may be used for living quarters in the R-20 district for the immediate family and for domestic servants, on finding by the Robeson County Health Department that all regulations for healthful housing in terms of light, air, sanitary facilities, and minimum space are being met.

In the O&I, C-1, C-2, and C-3 districts, storage sales, service, or display of goods outside of buildings shall not be permitted.

Note 5. Adult Businesses.

- (A) No such business shall be located within 2,000 feet of any other sexually oriented business, as measured in a straight line from property line to property line.
- (B) No such business shall be located within 1,000 feet of a church, public or private elementary or secondary school, child day care or nursery, public park, residentially used or residentially zoned property, or any establishment with an on-premise ABC license, as measured on a straight line from property line to property line.
- (C) There shall be no more than one adult oriented business on the same property or in the same building, structure, or portion thereof.



- (D) No other principal or accessory use may occupy the same building, structure, property, or portion thereof of any adult oriented business.
- (E) Except for signs as permitted under Article 18 of this Ordinance, there shall be no other advertisements, displays, or other promotional materials visible to the public from pedestrian sidewalks, walkway, or vehicular use areas.
- (F) No person shall permit any building, premises, structure, or other facility that contains any adult establishment to contain any other kind of adult establishment. No person shall permit any building, premises, structure, or other facility in which sexually oriented devices are sold, distributed, exhibited, or contained to contain any adult establishment.
- (G) No person shall permit any viewing booth in an adult mini motion picture theater to be occupied by more than one person at any time.

Note 6. Junk Yards and Automobile Wrecking Yards. Junkyards along interstate and primary highways shall meet the requirements of the Junkyard Control Act of 1967. Automobile wrecking yards and similar types of used material industries must be conducted within a structure or on a lot enclosed by a solid fence at least six feet in height, provided that the Town council finds that such wrecking yard will not have injurious effect on the public interest or welfare.

Note 7. Automobile Service Stations and Gas Pumping Stations. Automobile service stations and gas pumping stations shall be permitted uses in the C-3 and I zoning districts and special uses in the C-2 and PUD zoning districts provided the following conditions are met:

- (A) The service station is limited in function to dispensing gasoline, oil, grease, antifreeze, tires, batteries, and automobile accessories directly related to motor vehicles; to washing, polishing and servicing motor vehicles, only to the extent of installation of the above-mentioned items; and to selling at retail the items customarily sold by service stations.
- (B) The service station shall not overhaul motors, provide upholstery work, auto glass work, painting, welding, bodywork, tire recapping, or auto dismantling.
- (C) The service station shall provide a screen planting and/or fence along the property lines that abut residential properties. Lighting facilities shall be arranged and of such nature that nearby residential properties are not disturbed.
- (D) Service stations shall extinguish all floodlights at the close of daily operation or 11:00 p.m., whichever is earlier.

Automobile service stations located within the town shall have no gasoline or oil pumps located within twelve (12) feet of any street right-of-way line. Outside the town, no such pump shall be located within fifteen (15) feet of any street right-of-way line. *(Amended 8/2/2021)*

Note 7A. Automobile Washes/Automobile Detailing Shops. (Amended 8/3/2015; 8/7/2023)

- (A) All automobile washes/automobile detailing shops shall comply with the Town of Pembroke Sewer Use Ordinance.
- (B) All vacuuming and compression machines located outside of the enclosed building shall be of a design that does not exceed a noise level reading of 45 dB(A), as measured from the property line.
- (C) Drying, vacuuming, and detailing areas may not be placed closer than 25 feet to a residential property line.
- (D) Enclosed trash storage facilities shall be provided on the site.
- (E) Open bay wash facilities, if used, shall be sited parallel to the adjacent street. Openings to wash bays shall not face rights-of way.
- (F) Walls facing streets shall incorporate at least 51 percent glazing.
- (G) No outside storage is permitted.
- (H) Hours of operation for automobile detailing shops located in the C-1 zoning district shall be 8:00 AM to 8:00 PM.
- (I) No overnight parking of vehicles shall be permitted in the front of the property.

Note 8. Cemeteries. Cemeteries shall be permitted on finding that sufficient space is provided for off-street parking and that surrounding residential properties are not impaired.

Note 9. Adult Care Homes/Family Care Homes. As defined by G.S. 168-21 for handicapped persons, shall not be located within a one-half (½) mile radius of an existing adult/family care home.

Note 9A. Day Support Facility. (Amended 8/4/2014)

- (A) Day Support Facilities may include prevocational services. The following criteria differentiate between prevocational and vocational services:
  - (1) Prevocational services are provided to persons who are not expected to join the general work force or participate in transitional sheltered workshops within one (1) year of service initiation.
  - (2) If compensated, the beneficiary may, on average, receive less than 50 percent of minimum wage.

- (3) Services include activities that are not directed at teaching job-specific skills but at underlying habilitative goals (e.g., attention span, motor skills, attendance, and task completion).
  - (4) Day Supports may not be used for the provision of vocational services (e.g., sheltered workshop performed in a facility). Vocational services which assist beneficiaries in learning to perform real jobs are to be provided in community settings and not in licensed facilities. Prevocational skills development where beneficiaries obtain the underlying habilitation skills required for obtaining a job may be provided in the licensed day support setting.
- (B) Occupancy by the staff and/or clientele must not exceed occupancy limits established by the Robeson County Fire Marshal.
  - (C) Off-street parking must be provided in accordance with Article 17.

Note 10. Home Occupations. Shall be permitted only as an incidental use and are limited to the following:

- (A) Art gallery or the office or studio of a physician, artist (not inclusive of a studio of a commercial photographer), general or trades contractor, musician, insurance agent, lawyer, real estate broker, instruction in music or dancing, tutoring of academic subjects, teacher or other like professional person residing on the premises.
- (B) Workshops not conducted for profit.
- (C) Customary home occupations such as millinery, dressmaking, laundering, or pressing and tailoring conducted by a person residing on the premises.
- (D) Single operator beauty shop or barber shop.
- (E) Pet grooming services without the boarding of animals or operation of kennels. The outside containment of animals is prohibited.
- (F) Any home occupation not complying with these regulations shall be prohibited.

And provided, furthermore, the home occupations listed above shall be permitted subject to the following limitations:

- (A) No exterior display of products.
- (B) No mechanical equipment shall be installed or used except such that is normally used for domestic or professional purposes and which does not cause noises or other interference in radio and television reception.

- (C) No accessory buildings or outside storage shall be used in connection with the home occupation.
- (D) Not over twenty-five (25) percent of the total floor area or five hundred (500) square feet, whichever is less, shall be used for a home occupation.
- (E) Only one employee may be employed by the home occupation who is not a resident of the dwelling.

Note 11. Laundry and Dry-Cleaning Establishments. Such establishments shall be permitted when only oil, gas, or electricity is used for heat. Screening and filtering devices shall be used to prevent the emission of smoke, dust, fumes, odors, or steam into the atmosphere. The facilities must have less than 2,000 square feet of floor space.

Note 12. Manufacturing, Processing, or Warehousing or Transportation Use or Public Use or Utility. Includes offices associated with these uses, which is (are) enclosed in a building and does not and will not emit smoke, odor, dust, fumes, glare, noise, vibrations, nuclear waste, or radioactivity, from the building in which it is located, except acid manufacture, cement, lime, gypsum, or plaster of paris manufacture, distillation of bones, explosives manufacture or storage, fat rendering, fish or fertilizer plant, garbage, waste parts, dead animal reduction or dumping, gas manufacture, glue manufacture, stockyards or slaughter of animals, tannery, or pulp manufacture. Any manufacturing, processing, warehousing, or transportation use or public use or utility including offices associated with these uses which involves outdoor storage, service, operations, emits or will emit smoke, odor, dust, fumes, glare, noise, vibrations, nuclear waste, or radioactivity, from the building in which it is located or involves bulk storage of combustible materials or is among the uses listed as exceptions in the list above shall be special uses. *(Amended 8/2/2021)*

Note 13. Medical Clinics, Offices, and Laboratories. The dimensional requirements of the O&I District shall apply to these developments.

Note 14. Outlet Stores for Industrial Establishments. In the I district shall be considered as accessory uses, provided that such stores shall be limited to ten (10) percent of the gross floor area of the buildings containing the industrial establishment or 2,500 square feet, whichever is less.

Note 15. Public Utility Substations/Switching Stations and Pumping Stations. Public utility substations or pumping stations shall be permitted when authorized by the Town Council on finding that such installations will be housed in buildings that harmonize with the character of the neighborhood and will have adequate side yards, fences and other safety devices to protect the public safety and welfare.

Note 16. Radio, Television, and Radar Towers. All structures, except fences, shall be set back from all property lines by at least one foot for every foot of structure height. See Article 23 for more information and requirements.

Note 17. Railroads. Existing railroads may continue to be operated and maintained in residential districts, but no new railroad construction shall be established except when so authorized by the Town Council on finding that the appearance and property values of the district will be protected and public safety is not impaired.

Note 18. Retail or Wholesale Business, Educational, Medical, Dental, Optical Establishment, or Service Establishment. Excluding warehousing, or public use or utility, or place of worship or assembly, which is enclosed in a building and does not and will not emit smoke, odor, dust, fumes, glare, noise, radiation, or vibration from the building in which it is located, and does not and will not involve bulk storage of volatile materials or other fire hazards, and which does not have a drive-in window, except that commercial amusement uses are a special use even if they meet these conditions. Establishments of the types listed above which have outdoor sales, service, or storage areas, drive-in windows, or would emit smoke, odor, dust, fumes, glare, noise, radiation, or vibration from the building in which they are located or involve possible fire hazards, shall be special uses unless otherwise indicated in the Table of Permitted Uses. *(Amended 8/2/2021)*

Note 19. Temporary Uses. The Board shall consider the effects of the use on adjacent properties and shall set a time limit on the temporary use.

Note 20. Drive-In Theaters.

- (A) No part of any theater screen, projection booth or other building shall be located closer than 500 feet to any residential district or closer than 50 feet to any property line or public right-of-way; and no parking space shall be located closer than 100 feet to any residential district.
- (B) The theater screen shall not face a major street or highway and reserved parking space off the street is provided for patrons awaiting admission in an amount of not less than 30% of the vehicular capacity of the theater.

Note 21. Wholesale Storage of Gasoline or Bulk Terminal Plants. No above ground storage tank shall be closer than 50 feet to any property lines, and the uses must conform with the state and local regulations governing the storage of combustible fuels.

Note 22. Sidewalks. Sidewalks must be constructed for any new or substantially improved property located in the C-1, C-2, C-3, or O&I zoning districts and contiguous to NC 711.

- (A) Any new or substantially improved commercial, institutional, or multi-family projects shall construct a sidewalk along the entire width of the property parallel to the State street within the right-of-way. Substantially improved properties shall mean those properties that construct an addition to an existing building that costs over 50% of the assessed value of the existing building.
- (B) All sidewalk improvements shall be a minimum of eight feet in width and constructed with the approval of the North Carolina Department of Transportation in accordance with their design specifications.

- (C) The Planning Board reserves the right to waive or modify the requirements within this section if extenuating site circumstances or conditions are present.

Note 23. Open Storage and Display. No material goods shall be offered for sale outside of a building in connection with any use permitted in the C-3 district, with the exception of automobiles, manufactured homes, and living plants. No material or goods shall be stored in front of a building. Storage is permitted in the side yard if such use is adequately screened.

Note 24. Tattoo Parlors. Tattoo Parlors may be permitted as a Special Use in the C-3 zoning district provided that:

- (A) The tattoo parlor may not be located or operated within five hundred (500) feet of:
- (1) A church, synagogue, or regular place of worship;
  - (2) A public or private elementary or secondary school;
  - (3) A public library;
  - (4) A boundary of any residential district;
  - (5) A publicly owned park, beach, beach access, or other recreation area or facility;
  - (6) A licensed day care center;
  - (7) An entertainment business that is oriented primarily towards children.
- (B) For the purposes of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where a tattoo parlor is to be conducted, to the nearest property line of the premises of any use listed in (A) above.
- (C) Tattoo parlors must comply with the following:
- (1) Hours of operation must be limited to 8:00 AM to 2:00 AM (Monday through 2 AM Sunday). Such establishment shall not be open from 2:01 AM Sunday until 8:00 AM on Monday.
  - (2) Must be fully licensed by the state of North Carolina.
  - (3) All necessary parking must be provided on-site.
  - (4) Parking lot must be lighted to meet the requirements of Article 19, Lighting Ordinance. *(Amended 1/7/2013, 8/2/2021)*

Note 25. Fences and Walls. *(Amended 9/2/2014)*

(A) General.

- (1) No fence or wall shall impede the visual locating of 911 emergency street addresses.

- (2) No fence or wall shall block pedestrian access from doors or windows. Fences must have a clearance of at least two feet (from building walls, except where fences project from or to a building wall).
- (3) Fences or walls shall not alter or impede the natural flow of water in any stream, creek, drainage swale, or ditch.
- (4) A finished side shall face off-site.
- (5) No portion of a wall or fence constructed after the date of adoption of this UDO, may encroach on an adjoining property line.
- (6) The following height limits for fences and walls shall apply within all zoning districts:
  - (a) Within front yards including the side property line(s) of the front yard, the maximum height for any fence shall be four (4) feet.
  - (b) Within any side or rear yard, the maximum height for any fence or wall shall be six (6) feet. In the C-3 and I districts, the maximum height for a security fence shall be eight (8) feet.
  - (c) Fence and wall height limits shall not apply to electric/gas substations, water/sewer treatment plants or facilities, municipal water storage facilities, or waste treatment facilities.
  - (d) Fence height limits shall not apply to chain link fences surrounding tennis courts or ball field backstops. Fences for private tennis courts shall be within the required setbacks for accessory uses in that zoning district.
  - (e) Fence height shall be measured along the grade of the adjacent property.
- (7) Additional wall or fence requirements applicable to a particular activity or use may be specified elsewhere in this Ordinance. Except where specifically modified (such as a specific height requirement), this Section shall take priority.

(B) Placement.

- (1) Fences or walls may not be located within the required site triangle.
- (2) When located in between the structure and a street, the fence or wall may be placed anywhere between the edge of the structure and the street right-of-way or easement line.

- (3) Along all other boundaries, the fence may be placed anywhere between the edge of the structure and the property line.
- (4) Fences may be located within a required easement, subject to any additional restrictions imposed by the easement agreement. However, the property owner shall remain solely liable for any repair or replacement if any portion of the fence is damaged during maintenance or construction activities within the easement by the easement owner or their agent.
- (5) Walls may not be placed within a required easement unless specifically allowed by the easement agreement.

(C) Fences.

- (1) The following types of fences are permitted in all zoning districts:
  - (a) Ornamental iron;
  - (b) Chain link;
  - (c) Vinyl or similar material; and
  - (d) Wood or similar material.
- (2) The following types of fences are prohibited in all zoning districts:
  - (a) Fences constructed primarily of barbed or razor wire, when not for the purpose of enclosing livestock in a R-20 district.
  - (b) Fences carrying electrical current, when not for the purpose of enclosing livestock in a R-20 district;
  - (c) Fences constructed in whole or in part of readily flammable material such as paper, cloth, or canvas;
  - (d) Fences topped with barbed wire or metal spikes except those serving an institution requiring a security fence or for public safety purposes.



(D) Walls.

- (1) Walls shall be constructed of one or a combination of the following materials: stucco over concrete block, exposed aggregate concrete, brick, stone, or architectural block in a structurally safe and attractive condition.
- (2) Alternative walls may be permitted with the approval of the UDO Administrator if such alternative walls provide a similar level of opacity to that of the listed materials and are in keeping with the architecture of the development. No walls of exposed, painted-only, plain concrete cinder block shall be permitted.
- (3) No wall shall be located within any required drainage, utility or similar easement.

(E) Retaining Walls. Retaining walls up to four feet in height may be located within required yards.

(F) Maintenance. Any fence or wall which, through neglect, lack of repair, type or manner of construction, method of placement or otherwise, constitutes a hazard or endangers any person, animal or property is hereby deemed a nuisance. If such conditions exist, the UDO Administrator shall require the owner or occupant of the property upon which the fence or wall is located to repair, replace or demolish the fence causing the nuisance.

Note 26. Solar Farms. (Amended 11/4/2013)

No parcel or parcels of land may be used as a Solar Farm and no Solar Farm shall be permitted, constructed, operated, or maintained except in accordance with the following standards:

- (A) Safety Fencing. All Solar Farms shall be fenced around the exterior of the Solar Farm with an opaque or semi opaque fence of earth tone colors which shall be at least six (6) feet in height and which shall additionally have at least three (3) strands of barbed wire run above such six (6) feet. The fencing and barbed wire required hereunder shall be maintained in good condition. The fencing and barbed wire requirements specified hereunder shall continue notwithstanding the fact that a Solar Farm is no longer operational and shall remain so until such Solar Farm is dismantled.
- (B) Gates and Locks. All gates to the fences of all Solar Farms shall be at least six (6) feet in height and which shall have three (3) strands of barbed wire above the top of the gate. Such gates shall be equipped with locks and shall remain locked at all times except when the owner and/or designee is/are using the gate for ingress and/or egress and is/are otherwise present. Such gates shall remain notwithstanding the fact that a Solar Farm is no longer in operation.
- (C) Setbacks. Every Solar Farm shall be set back at least fifty (50) feet from all property lines of the parcel upon which the Solar Farm is to be located; further, fifty (50) feet from the right of

way of any public road; and finally all setbacks herein shall be measured from the exterior of the fencing and gates which are required around the perimeter of all Solar Farms.

(D) Environment. The Solar Farm shall comply with all North Carolina Department of Environment and Natural Resources (NCDENR) permitting requirements for stormwater management and sedimentation and erosion control.

(E) Evergreen Vegetative Buffer.

(1) A continuous evergreen buffer shall be present and maintained at all times around the perimeter of the exterior of the fencing and gates which are required around the perimeter of all Solar Farms.

(2) The evergreen vegetative buffer shall be composed of evergreen trees or shrubs and shall be a minimum of four (4) feet in height when planted and not less than six (6) feet at maturity, and spaced not more than ten (10) feet apart.

(F) Miscellaneous Items.

(1) Nothing herein is intended to prohibit the installation and use of Solar collectors that gather Solar radiation as a substitute for traditional energy for water heating, active space heating and cooling, passive heating, or generating electricity for a residential property. The term “residential property” means property where the predominant use is for residential purposes.

(2) The owner of the Solar Farm equipment placed upon a parcel as well as the owner of the land upon which it is located are responsible for compliance with terms of this Ordinance.

Note 26b. Solar Energy Generating Facility, Accessory.

Solar collectors shall be permitted as an accessory use to new or existing structures or facilities in accordance with Article 10, subject to the following standards:

(A) Roof-Mounted Solar Systems. The collector surface and mounting devices for roof-mounted solar systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built.

(1) Pitched Roof Mounted Solar Systems. For all roof-mounted systems other than a flat roof, a drawing shall be submitted showing the location of the solar panels.

(2) Flat Roof Mounted Solar Systems. For flat roof applications, a drawing shall be submitted showing the distance to the roof edge and any parapets on the building.

- (B) Ground-Mounted Solar Systems. Ground-mounted solar collectors (accessory) shall meet the minimum zoning setback for the zoning district in which it is located, except that it may be located within the front yard setback in the R-20, O&I, C-3, and I zoning districts when the system does not exceed six (6) feet in height and screening shall be required consistent with Article 15.
- (C) Approved Solar Components. Electric solar system components shall have a UL listing.
- (D) Compliance with Building and Electrical Codes. All solar collector systems shall be in conformance with the International Building Code with North Carolina amendments.
- (E) Compliance with Other Regulations. All solar collector systems shall comply with all other applicable regulations.

Note 27. Granny Pods/Temporary Health Care Structures. (Amended 11/3/2014, 8/2/2021)

Granny pods/temporary health care structures shall be permitted as an accessory use in accordance with the Table of Permitted Uses, subject to the following standards:

- (A) Placing a temporary health care structure on a permanent foundation shall not be required or permitted.
- (B) The Town shall consider a temporary health care structure used by a caregiver in providing care for a mentally and physically impaired person on property owned or occupied by the caregiver as the caregiver's residence as a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings.
- (C) The Town shall consider a temporary family health care structure used by an individual who is the named legal guardian of the mentally or physically impaired person a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings in accordance with this section if the temporary family health care structure is placed on the property of the residence of the individual and is used to provide care for the mentally or physically impaired person.
- (D) Only one temporary family health care structure shall be allowed on a lot or parcel of land. The temporary family health care structures under subsections 7.45.2 and 7.45.3 of this section shall not require a special use permit or be subjected to any other local zoning requirements beyond those imposed upon other authorized accessory use structures, except otherwise provided in this section. Such temporary family health care structures shall comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure.
- (E) Any person proposing to install a temporary family health care structure shall first obtain a permit from the Town. The Town may charge a fee in accordance with the Town's fee schedule. The Town may not withhold a permit if the applicant provides sufficient proof of

compliance with this section. The Town may require that the applicant provide evidence of compliance with this section on an annual basis as long as the temporary family health care structure remains on the property. The evidence may involve the inspection by the Town of the temporary family health care structure at reasonable times convenient to the caregiver, not limited to any annual compliance confirmation and annual renewal of the doctor's certification.

- (F) Notwithstanding subsection 7.45.9 of this section, any temporary family health care structure installed under this section may be required to connect to any water, sewer, and electric utilities serving the property and shall comply with all applicable State law, local ordinances, and other requirements, including Article 11 of the NCGS, as if the temporary family health care structure were permanent real property.
- (G) No signage advertising or otherwise promoting the existence of the temporary health care structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.
- (H) Any temporary family health care structure installed pursuant to this section shall be removed within 60 days in which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this section. If the temporary family health care structure is needed for another mentally or physically impaired person, the temporary family health care structure may continue to be used or may be reinstated on the property within 60 days of its removal, as applicable.
- (J) The Town may revoke the permit granted pursuant to subsection 7.45.5 of this section if the permit holder violates any provision of this section or G.S. 160A-202. The local government may seek injunctive relief or other appropriate actions or proceedings to ensure compliance with this section or G.S. 160A-202.
- (K) Temporary family health care structures shall be treated as tangible personal property for purposes of taxation.

Note 28. Pawnshops or Used Merchandise Store. (Amended 5/2/2016, 8/2/2021)

Pawnshops or used merchandise stores shall be allowed as a special use in the C-1 zoning district in accordance with the Table of Permitted Uses, subject to the following standards:

- (A) Distance separation between pawnshops and separation between pawnshops and tattoo parlors shall be 500 feet.
- (B) Direct access to a major thoroughfare must be provided.
- (C) Hours of operation shall be 9:00 am to 7:00 pm.
- (D) No outside display of merchandise or outside storage shall be allowed.

Note 29. Agricultural/Ice Vending Machines. (Amended 6/6/2016)

Agricultural vending machines and ice vending machines shall be permitted in accordance with the Table of Permitted Uses, subject to the following standards:

- (A) The structure cannot exceed twenty (20) feet in height.
- (B) Minimum parking shall be four (4) paved, marked parking spaces and one marked loading space for customers. Paved parking shall be connected to a street right-of-way by a twelve (12) foot wide access driveway.
- (C) Security lighting must be provided to illuminate the structure and parking/loading/driveway space to a minimum of 0.2 footcandles during nighttime hours.
- (D) If an agricultural vending machine or ice vending machine is located on a parcel as the sole use of the parcel, it shall be considered the principal use and comply with all yard and setback requirements for a principal use (see Article 11).
- (E) An agricultural vending machine or ice vending machine may be located as an accessory use with a convenience food store with or without a car wash, convenience stores with gas pumps, and feed and seed stores. All setbacks for accessory structures must be complied with (see Article 11). The accessory use must be located closer to the front yard street right-of-way than the front line of the principal structure.

Note 30. Assembly Halls. (Amended 4/3/2017, 8/2/2021)

- (A) If alcohol is dispensed for any event at an assembly hall, all applicable alcohol beverage permits must be secured and provided to the town.
- (B) If any events or activities conducted at the assembly hall result in two (2) or more violations of Town of Pembroke nuisance ordinances or Town, Robeson County, or North Carolina police are called to the site for intervention within any three hundred sixty-five (365) day period of time, the special use permit will be revoked.
- (C) Plans for security and public safety must be submitted with the special use permit application.
- (D) Assembly halls cannot be membership only enterprises; must be open to the general public for use and/or rental use.
- (E) Assembly halls cannot be used for alcohol sales when fees are charged for entry to an event.

Note 31. Special Events. (Amended 4/3/2017, 8/2/2021)

- (A) In deciding whether a permit for a special event should be denied for any reason specified in Section 12-17, or in deciding what additional conditions to impose, the permit-issuing authority shall ensure that, (if the special event is conducted at all):
- (1) The hours of operation allowed shall be compatible with the uses adjacent to the activity.
  - (2) The amount of noise generated shall not disrupt the activities of the adjacent land uses.
  - (3) The applicants shall guarantee that all litter generated by the special event be removed at no expense to the town.
  - (4) The permit-issuing authority shall not grant the permit unless it finds that the parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners.
  - (5) The zoning permit shall be issued for a specific number of calendar days, not to exceed fourteen (14) calendar days.
- (B) In cases where it is deemed necessary, the permit-issuing authority may require the applicant to post a bond to ensure compliance with the conditions of the special use permit.
- (C) If the permit applicant requests the town to provide extraordinary services or equipment or if the Town Manager otherwise determines that extraordinary services or equipment should be provided to protect the public health or safety, the applicant shall be required to pay to the town a fee sufficient to reimburse the town for the costs of these services. This requirement shall not apply if the event has been anticipated in the budget process and sufficient funds have been included in the budget to cover the cost incurred.

Note 32. Temporary Sale of Agricultural Products Grown Off-Site. (Amended 4/3/2017)

For purposes of this section, agricultural products are defined as products obtained primarily through farming or agricultural activities, including but not limited to: pumpkins; grains and seed crops; fruits of all kinds; vegetables; nursery, floral, ornamental, and greenhouse products; trees and forest products, including Christmas trees, firewood, and pine straw; bees and beekeeping products; seafood; dairy products; any USDA-recognized agricultural product. The sale of agricultural products is exempt from non-agricultural temporary uses/sales regulations. For purposes of this section, processed or prepared food products of any kind and items fabricated/manufactured from agricultural products shall not be considered as agricultural products. Additionally:

- (A) As well as locations listed above, the temporary sale of agricultural products may occur from a vacant lot or as accessory to an existing commercial use. Agricultural products may not be sold on public right-of-way.
- (B) A zoning permit is not required.
- (C) The temporary sale of agricultural products may be accomplished from a vehicle, trailer, or shipping container.
- (D) The temporary sale of agricultural products shall be allowed on an individual parcel or site for no more than 30 total days per calendar year.
- (E) Yard sales are excluded from the Note 32 regulations.

Note 33. Automotive Repair. *(Amended 8/3/2020, 8/2/2021)*

Automotive repair may be permitted as a Special Use in the C-1 zoning district provided that:

- (A) There will not be any outside storage of automotive parts or supplies, including tires.
- (B) All automotive repair work will be performed inside of the principal structure.
- (C) Automotive repair will not include the painting of vehicles.
- (D) Automotive repair uses may not be located closer than 500 linear feet as measured in a straight line distance from the closest points of the parcel lines on which the automotive repair uses would be located.
- (E) The automotive repair special use must comply with all UDO requirements.

Note 34. Food Trucks. *(Amended 4/3/2017)*

Food trucks shall be permitted in accordance with the Table of Permitted Uses, subject to the following standards:

- (A) Exceptions to the Process.
  - (1) Food trucks may conduct sales while parked on a public street when the Town Council has approved a temporary street closing for a Town-sponsored or civic event such as a street festival/ fair.
  - (2) Food trucks may operate on a private property for a maximum of twenty (20) days, three individual weekend events, or both each fiscal year (July 1 - June 30) when utilizing a temporary event permit. The zoning permit for location on private property must specify a schedule of the month(s), day(s), and year(s) of operation

including any individual weekend events. The UDO Administrator must be notified in writing by the property owner of any changes to the schedule.

- (B) Food Truck Location. Food trucks must be located at least 100 feet from the front door of any restaurant and outdoor dining area and at least 50 feet from any permitted mobile food vending cart location. Additionally, food trucks must be parked at least 15 feet from any fire hydrant, and 5 feet away from any driveway, sidewalk, utility box or vault, handicapped ramp, building entrance or exit, or emergency call box. These minimum distance requirements are all measured in a straight line from the closest point of the proposed food truck location to the closest point from the buffered point, or in the case of a restaurant measured from the closest point of the restaurants main entrance. If a zoning permit is issued and a restaurant subsequently opens within 100 feet (measured from the restaurants main entrance) of the approved food truck location, the food truck may continue to operate until the permit expires.
- (C) Zoning Permit. The zoning permit must be signed by the property owner, and completed and submitted along with a site plan or plot plan. If a property owner has a property large enough to accommodate more than one food truck, only one zoning permit is required to be submitted showing the location of all food trucks. The plot plan must show the limits of the property, the location(s) of the proposed food truck, and label adjoining uses on neighboring properties. The applicant must also submit a NC Department of Agriculture Permit, a copy of the vehicle or trailer registration, and proof of compliance with the Robeson County Health Department regulations.
- (D) Parking. Food trucks may not occupy any required parking stall for the primary use while the primary use is open to the public. Food trucks and the primary use may share parking spaces when having separate hours of operation. Parking stalls that are overflow or extra according to the regulations in the UDO may be used to park a food truck; however, parking stalls leased to another business or adjacent use may not be used unless the food truck is operating under separate hours of operation. Food trucks may not park in handicapped accessible parking spaces, nor can they park in access or drive aisles. The approved location for the parking trucks, as shown on the zoning permit, must be physically marked. The food truck parking space can be marked with paint, tape or other easily identifiable material. Food trucks may not be parked in an approved location after hours of operation.
- (E) Hours of Operation. Food trucks may operate between the hours of 6 a.m. and 3 a.m., unless the food truck is located within 150 feet of a property with a single- or two-family residential dwelling. When located within 150 feet of this residential dwelling, the hours of operation shall be between 7 a.m. and 10 p.m. This measurement is taken from the property line of the residential dwelling in a straight line to the closest point of the approved food truck location.
- (F) Prohibitions. Food trucks may not use audio amplification or freestanding signage. All equipment associated with the food trucks must be located within three (3) feet of the food truck. The food truck operator is responsible for disposing of all trash associated with the operation of the food truck. Town trash receptacles may not be used to dispose trash or waste. All areas within five (5) feet of the food truck must be kept clean. Grease and liquid



waste may not be disposed in tree pits, storm drains, the sanitary sewer system or public streets. Food trucks are all subject to the Town-wide noise ordinance.

(G) Maximum Number of Trucks Per Property.

- (1) Maximum of two (2) food trucks on lots of one-half acres or less.
- (2) Maximum of three (3) food trucks on lots between one-half acre and 1 acre.
- (3) Maximum of four (4) food trucks on lots greater than 1 acre.
- (4) Outdoor seating associated with a food truck is only permitted on lots at least two acres in size or greater.

Note 35. Mixed Use. (Amended 2/5/2018, 8/2/2021)

(A) Mixed Use Defined. The Mixed-Use option is provided to allow flexibility in development requirements such as setbacks, density, permitted uses, and the like, to accommodate the unique physical, economic, design, or other characteristics of a development without compromising the essential standards needed for the protection of the public interest. Mixed use developments require a special use permit, as specified in Article 12, in which the primary use of land is a mix of residential and small-scale commercial uses such as retail, office, service and entertainment establishments. By providing housing close to nonresidential uses and grouping multiple destinations, such mixed-used development reduces vehicle usage and creates a compact high-quality, pedestrian-oriented environment. The district is subject to flexible standards intended to encourage an appropriate scale and balance of uses and development to ensure district development is compatible with surrounding uses. Uses may be either vertically integrated within a single building or horizontally-integrated within separate buildings on the same site. A mix of permitted uses is allowed within the same building or on the same lot or as separate uses on individual parcels. This development pattern is characterized by overlapping patterns of use and activities, and clearly defined, human scale external spaces, where citizens can live, conduct business, and meet freely with others. Development within the mixed-use special use shall be in accordance with the standards set forth herein.

(B) Performance Standards. The UDO Administrator and Town Council will work cooperatively within the applicant in determining the appropriate performance standards for Mixed Use developments. The standards of the zoning district, or districts, in which the Mixed Use is located, provide general guidance in determining the standards, with consideration given to the specific characteristics and needs of the individual project. Ultimately, all performance standards such as density, permitted uses, parcel dimensional requirements, lighting, landscaping, parking, signage, etc., shall be specifically established by the Town Council through issuance of the special use permit. The conditions specified by the special use permit shall be compatible with the surrounding area and the objectives of this UDO. Creative design concepts are encouraged to minimize impacts on infrastructure and to support

environmental protection. The mixed use shall comply with Article 24, Subdivisions, and Article 25, Watershed Supply Watershed Protection Regulations. Site plans area required in accordance with Section 12-13. *(Amended 4/4/2022)*

(C) Permitted Uses. The following uses may be established as permitted uses in a mixed-use development. Any use that is not listed in this section is expressly prohibited from being located within a mixed-use development.

- (1) Alcoholic beverages (package retail sales)
- (2) Antique shops
- (3) Art galleries
- (4) Art goods stores
- (5) Assisted living residence
- (6) Automated teller machine (ATM)
- (7) Banks, without drive-in facilities
- (8) Barber or beauty shops
- (9) Book stores
- (10) Brewpub *(Amended 3/7/2022)*
- (11) Business, arts, and professional stores
- (12) Camera shop
- (13) Churches/places of worship
- (14) Civic and fraternal meeting halls
- (15) Clothing and finished fabric products
- (16) Colleges
- (17) Convenience food stores, but not including car washes
- (18) Dental clinics, offices, and laboratories
- (19) Drug stores
- (20) Dwelling, multi-family and townhouses
- (21) Dwelling, single-family
- (22) Dwelling, two family
- (23) Fence
- (24) Floral and gift shops
- (25) Food trucks
- (26) Gift shop
- (27) Granny pods/temporary healthcare structures
- (28) Health clubs
- (29) Hobby goods store
- (30) Home occupations
- (31) Jewelry store
- (32) Laundry pick-up facilities
- (33) Leather products (no tanning or production)
- (34) Libraries
- (35) Medical clinics, offices, and laboratories
- (36) Museums
- (37) Music, art, and dance schools

- (38) Musical equipment sales
- (39) Newsstands, magazine stands
- (40) Office, computing, and accounting machines (sales)
- (41) Office (professional, business, financial government, and medical)
- (42) Opticians and optical goods
- (43) Outpatient health service/administrative office
- (44) Paint store
- (45) Parking lots
- (46) Parking structures and underground parking garages
- (47) Pet store
- (48) Photographers
- (49) Playgrounds
- (50) Pottery and related products
- (51) Printing and publishing
- (52) Recreation buildings and facilities for residential developments
- (53) Restaurants and cafeterias
- (54) Restaurants with non-food service-related entertainment as an accessory use  
*(Amended 3/7/2022)*
- (55) Shoe store and repair
- (56) Sporting goods store
- (57) Swimming pools, private noncommercial and accessory uses
- (58) Tailors/dressmakers and millinery shops
- (59) Temporary office units
- (60) Tennis courts, private noncommercial and accessory uses
- (61) Toy store

(D) Mixed Use Special Use Design Standards. The Mixed-Use Special Use shall be developed in a way that it is functionally and structurally compatible with the Pembroke community and is a pedestrian friendly area. All building design shall encourage that consideration be given to the following:

- (1) Special attention shall be given to entrances; they may be set back from the primary facade as long as they are clearly visible from the street. Building entrances and exits shall be well lit to provide visibility and promote safety. Buildings that occur at the intersection of roadways shall angle the entrance toward the corner of the street whenever possible.
- (2) All roof- and wall-mounted mechanical, electrical, communications, and service equipment, including satellite dishes and vent pipes, shall be screened from public view by parapets, walls, fences, dense evergreen foliage, or by other suitable means.
- (3) The non-single-family residential components within a mixed-use development shall comply with Article 16, Building Design Standards.
- (4) Street furniture, outdoor eating areas, and sitting areas may be incorporated at the ground floor.

- (5) The outdoor storage of merchandise or other goods or equipment is prohibited.

Note 36. CDO1 Design Guidelines. (Amended 6/4/2018, 8/2/2021, 5/2/2022)

The following design guidelines are depicted by graphics and supplemental narrative in Appendix III of this UDO. Appendix III provides graphic representation of the intent of these design guidelines.

(A) Site Design Guidelines.

- (1) Placement of Structures. Buildings must meet the property line at the back of the sidewalk, and must meet the structures on either side to form a street "wall." The only exceptions to this would be for significant civic buildings (such as Town Hall or a Church), platted alley rights-of-way, mid-block pedestrian connections between parking and the street, and for the creation of spaces that enhance the public environment, such as pocket parks and outdoor dining areas. Such exceptions should be reviewed and approved by the Board of Adjustment.
- (2) Off-Street Parking. Parking must be located to the rear of buildings or in a side yard behind the front building line. Access to parking should be from the rear or from side streets or alleys. Parking must be screened from the street and sidewalks with a 30-36" hedge or masonry wall, or with a taller fence of masonry or metal pickets. In no case should parking be screened with solid materials taller than 36" because of the need for security and surveillance. Parking must be set back a minimum of 5' from all property lines.
- (3) Service Areas. Service areas must be screened from public view, including loading areas, trash receptacles, mechanical equipment, and dumpsters. Enclosures near buildings must be constructed of materials similar to the building, and must be high enough to completely block views from street level. Service areas must be paved with concrete or asphalt.
- (4) Storage Areas. Areas used to store vehicles, equipment, or materials must be screened with a masonry wall, hedge, or fence with landscaping of sufficient height and density to block views from street level.
- (5) Pedestrian Access. Parking areas for commercial businesses must have clearly marked and well-lit pedestrian access from parking to public sidewalks and building entries (see Article 19).
- (6) Rear Entries. If residential units occur in the upper floors of commercial buildings, entries adjacent to parking areas are required. In large developments, rear entries and interior or exterior passageways to the primary streets are encouraged.

- (7) Driveways. Wherever possible, driveways should be consolidated within a property or combined to provide access to two or more adjacent properties.
- (8) "Drive-Through" Businesses are Discouraged in the Downtown. New businesses that rely solely on drive-through traffic will not be allowed in the CDO1 overlay district.
- (9) Adjacent Residential Uses. Where commercial uses abut residential areas consisting primarily of detached or attached homes, an approved 6' masonry or wooden fence must be installed.
- (10) Fencing and Screening Materials. (a) Double staggered row of approved hedge material; (b) Landscaped beds acting as screens with approval and appropriate ongoing maintenance, (c) Masonry piers and low foundation with metal pickets (for parking areas only, not storage areas), (d) Masonry or split-face block walls for screening, (e) Approved wooden privacy fencing (in the rear of properties only), (f) Poured concrete, broken face block or light stucco finish look.

Prohibited screening and fencing materials include the following: Chain or chain link (except temporary installations at construction sites); unfinished pipe railings; split rail, stockade, picket, or other suburban/rural styles of fencing; prefabricated wooden fencing; prefabricated PVC fencing; or unfinished concrete block.

(B) Commercial Architectural Guidelines. The architecture of new structures within the Central Business District must enhance the existing architecturally or historically significant buildings that will remain. New construction must be "traditional" in character, while reflecting the time period of its creation. The traditional multi-story "storefront" structure should be the predominant building type in the CDO1 overlay district.

- (1) Placement of Structures. New or replacement structures must front on the sidewalk in line with existing structures, with exceptions for public space and significant buildings as noted in Section (A) above.
- (2) Massing and Height. Buildings taller than three (3) stories will require a special use permit. When designing taller buildings that will be sited near buildings that are higher than 3 stories; the taller buildings must not overwhelm the shorter buildings. This can be accomplished by such architectural design elements as setbacks of the taller portion of the building at the three-story or higher level, and articulation and massing that allows light to reach surrounding buildings and the street.
- (3) Materials. Approved materials for the Downtown District include:

- (a) Siding Materials.
- Brick. Brick used in new construction shall not be painted. Brick may be painted in the rehabilitation of existing buildings.
  - Stone, cast stone or architectural concrete
- (b) Trim or Accent Materials.
- Split-face concrete masonry
  - Ceramic tile in appropriate colors
  - Wood (e.g., accent material such as paneled storefronts)
  - Metal framing (NOTE: aluminum storefront framing systems must be designed with careful consideration of proper proportions of the framing members in order to be successful)
  - Cast or wrought iron
  - Smooth textured stucco
  - Sheet metal (parapet wall copings, etc.)
  - Fabricated millwork (Fiberglass or structural foam)
- (c) Glazing Materials.
- Clear glass, glass block
  - Textured, faceted, or stained glass as an accent
- (d) Roofing Materials.
- Standing-seam metal roofs
  - Slate
  - Clay tile
  - Membrane roofing (built-up roofing, single-ply roofing, etc.) screened by parapets at front and side
- (e) Awnings.
- Fabric awnings
  - Composite material with review and approval
  - Awning material must meet district fire codes
  - Awnings must be self-supported (e.g., no support poles)
  - Awning areas may not be enclosed with plastic or fabric sheeting on the public right-of-way
  - Awnings may extend no farther than 5' unless by exception and with review
- (f) Prohibited Materials.
- "Mirrored" or opaque glass
  - Colored glass (other than stained glass accents as seen in historic commercial facades)
  - Wood shakes or shingles

- Heavily textured stucco
- Imitation stone texturing (formstone)
- Clapboard sidings, whether wood or alternative materials
- Backlit canopies or awnings
- Plastic awnings

(4) Building Scale and Proportion. Building facades in the CD01 overlay district must have windows that have a vertical emphasis, i.e., windows that are taller than they are wide. Windows must be organized into regularly spaced patterns within the wall surface. The building facade should be broken into vertical and horizontal "panels" through the use of pilasters or other surface textures.

(5) Building Elements. The following descriptions provide standards for various components which may be used.

(a) Upper Floor Windows. Acceptable window types include single-hung and double-hung. Additional configurations such as casement sash or fixed windows may be acceptable if configured with a horizontal rail that mimics the proportions of double-hung sash. Windows may have further dividing members, but such divisions shall be either "true divided light" construction or permanent exterior grilles. Interior grilles alone or grilles set between the panes of double glazing are not acceptable. Windows must be constructed of wood or wood clad in prefinished metal.

(b) Storefronts. The first-floor storefront must be composed of large expanses of glazed openings. These allow for the display of merchandise in retail uses, but area also appropriate for other uses such as restaurants or offices. Features such as transoms allow for natural light to penetrate deeply into the building. The use of awnings can shade these large glass areas and allow for the introduction of appropriate colors to enliven the pedestrian experience. Framing for storefront glazing should be wood or metal. Metal framing must be a minimum of 2" wide.

(c) Doors. Doors used on commercial structures must follow the traditional format for "commercial" doors. The use of door configurations more typically found on residential structures such as paneled doors or "cross-buck" doors is not appropriate when visible from the public right-of-way. If aluminum storefront doors are used, only the "wide stile" type of door is appropriate. "Narrow" or "medium" stile aluminum doors may not be used for primary entrances. Metal and wood framing for storefront glazing must be a minimum of 2" wide.

(d) Shutters. The size and shape of shutters must correspond to the size and shape of the window opening. Shutters can be mounted to operate, or if

mounted in a fixed position, should be placed immediately adjacent to the window jamb. Wood and architectural composites are acceptable materials for shutters. PVC plastic is prohibited.

- (e) Equipment and Technology. Mechanical equipment must be located on the roof or at the rear of buildings if ground mounted equipment is used. Ground mounted equipment shall be screened and rooftop equipment shall not be visible from the street. The roof parapet, roof, or roof forms may serve as an effective screen. Television antennae, satellite dishes, and similar equipment must be located so as not to be visible from the street.

Note 37. CDO2 Design Guidelines. (Amended 6/4/2018, 8/2/2021, 5/2/2022)

The following design guidelines are depicted by graphics and supplemental narrative in Appendix IV of this UDO. Appendix IV provides graphic representation of the intent of these design guidelines.

(A) Site Design Guidelines.

- (1) Off-Street Parking. Parking shall be located to the sides and rear of buildings, if possible. Access to parking may be from the front, side streets, or from the rear. If practical, parking should be shared. Parking for small buildings must be screened from public streets and sidewalks on all sides with a 30-36" hedge or masonry wall, with approved landscaping. Large buildings can use the 30-36" wall or hedge, a taller fence of masonry and metal pickets, or a combination of walls and landscaping. In no cases should parking be screened from the street with solid materials taller than 36" (except deciduous trees). Parking must be set back a minimum of 5' from all property lines, and 10' if the property abuts a residential use. Lighting must comply with Article 19.
- (2) Service Areas. Service areas must be screened from public view, including loading areas, trash receptacles, mechanical equipment, and dumpsters. Enclosures near buildings should be of similar materials, and must be high enough to completely block views from street level. Enclosures further from buildings should be of approved masonry or wood fencing.
- (3) Storage Areas. Areas used to store vehicles, equipment, or materials must be screened with a masonry wall, hedge, or fence with landscaping of sufficient height and density to block views from street level. Screening with chain link in any form is not permitted.
- (4) Pedestrian Access. Sidewalks must be provided along Third Street at a minimum width of 4 feet. There must be direct pedestrian access from public sidewalks to buildings. In large parking areas, design consideration should be given to the provision of crosswalks, sidewalks, and other elements to ensure pedestrian safety.



- (5) Rear Entries. For large buildings with parking in the rear, the rear entrance may be the main entrance, but a floor-through lobby to the front is required.
- (6) Driveways. Wherever possible, driveways must be consolidated within a property or combined to provide access to two or more adjacent properties. Driveways from the main thoroughfares are limited to one if the frontage is less than 100', or two if more than 100'; three will be permitted only by special use permit. Driveway width shall not exceed 30' for two-way traffic, 20' for one way traffic. Driveways must not exceed one per 100' of frontage on any side street except where there is frontage on one side only, when two driveways will be permitted.
- (7) "Drive-Through" Businesses. Businesses must be designed with drive-in structures on the side or rear of the building with screening. Drive-through windows are not allowed between the building and the front lot line. Access and egress must be configured to minimize disruption of pedestrian movement.
- (8) Adjacent Residential Uses. Where commercial uses abut residential areas, a 10' setback from parking or structures to property lines are required, and a 6' masonry or approved wooden fence must be installed. Where the parking area to be screened is two bays or more in size, the planting of small trees along the setback is also required to provide more effective screening of residential properties.
- (9) Signage. Only monument signs are permitted as a freestanding sign. Existing signs that do not conform must be removed when any change in ownership or use of the property takes place.
- (10) Fencing and Screening Materials. The following fencing and screening materials are permitted: (a) Brick, (b) Split face block finished with stone or masonry caps and/or bands, (c) Double staggered row of approved hedge material, (d) Landscaped beds acting as screens with approval and appropriate ongoing maintenance, (e) Metal pickets in dark colors with or without masonry piers or foundation walls (for perimeter and parking areas only, not storage areas) If used to screen parking, landscaping materials 30-36" high should be planted in front of or behind the fence to screen the lower portion of parked vehicles, (f) Approved wooden privacy fencing in the rear of properties only), (g) Poured concrete or light stucco finish look, (h) prefabricated wooden fencing may be used only with review and approval of the Board of Adjustment on the side and rear of properties to screen parking from adjacent uses.

Prohibited screening and fencing materials include the following: Chain or chain link (except temporary installations at construction sites or where not visible from the street); split rail, stockade, wood picket, or other suburban/rural styles of fencing; or unfinished concrete block.

- (11) Equipment and Technology. Mechanical equipment must be located on the roof or at the rear of buildings if ground mounted equipment is used. Careful selection of rooftop equipment locations will allow the roof parapet, roof, or roof forms to serve as an effective screen. Television antennae, satellite dishes, and similar equipment must be located so as not to be visible from the street.

(B) Architectural Guidelines for Large Buildings.

- (1) Placement of Structures. New structures must be located in compliance with the Site Design Guidelines in subsection (A) above.

- (2) Massing and Height. Heights allowed are specified in Article 11, page 11-1. The taller buildings must not overwhelm the shorter buildings. Light should reach surrounding buildings and the street.

- (3) Materials. Recommended materials include:

(a) Construction Materials.

- Brick in approved range of colors (for the predominant exterior material). Brick used in new construction shall not be painted.
- Stone, cast stone or architectural concrete
- Wood on upper stories of residential structures

(b) Trim or Accent Materials.

- Split-face concrete masonry
- Ceramic tile in appropriate colors
- Metal framing (aluminum glass framing systems or curtain wall systems)
- Cast or wrought iron
- Smooth textured stucco
- Sheet metal (parapet wall copings, etc.)
- Fabricated millwork (Fiberglass or structural foam)
- Stone veneer

(c) Glazing Materials.

- Clear glass, glass block
- Textured, faceted, or stained glass as an accent

(d) Roofing Materials.

- Standing-seam metal roofs
- Slate or synthetic slate
- Composition shingles (Standard 3-tab shingles and shingles that are imitations of wood shingles or shakes are inappropriate. Heavy weight shingles are preferred.)

- Membrane roofing at low-slope areas (built-up roofing, single-ply roofing, etc.)

(e) Prohibited Materials.

- "Mirrored" or opaque glass
- Colored glass
- Wood shakes or shingles
- Heavily textured stucco
- Imitation stone texturing (formstone)
- Clapboard sidings, whether wood or alternative materials, except in the upper stories of medium-density housing
- Backlit canopies or awnings
- Plastic awnings

(4) Building Scale and Proportion. In order to better relate to the pedestrian, the ground floor of buildings two stories or more must be articulated differently from the stories above. This may be accomplished by the use of a different material, by the addition of more detail in the ground floor wall surface, by varying the color or pattern of the material, or by combinations of these techniques. Transparency at the entrance or lobby area is required in order to welcome the public.

(5) Building Elements.

(a) Wall Surfaces. Walls shall be predominantly constructed of masonry materials. Scale and interest can be introduced through the use of contrasting materials or the introduction of features such as horizontal bands. Openings (such as windows) must be emphasized through the use of lintels and sills of contrasting materials or of different masonry coursing. Upper stories of medium-density residential buildings utilize wood and siding to introduce a more "domestic" quality to the architecture.

(b) Windows. Windows must be constructed of wood, wood clad in prefinished metal, or from aluminum or other materials appropriate to the use.

(c) Shutters. Shutters cannot be used on commercial or other large buildings.

(d) Roofs/Cornices. Because large commercial buildings will be among the larger buildings in the CDO2 area, they will be more visually prominent. Sloping roofs, either gabled or hipped, are required. Flat roofs may be allowed with a special use permit.

(e) Equipment and Technology. Mechanical equipment must be located at the rear of buildings in well-screened enclosures. Television antennae, satellite dishes, and similar equipment must be located so as not to be visible from the street.

(C) Architectural Guidelines for Small Buildings.

- (1) Placement of Structures. New or replacement small buildings must be set back from the right-of-way 5-20', with the intermediate space used for sidewalks or landscaping with walks to the door.
- (2) Massing and Height. Small buildings require the following percentage of transparency: at least 45% on the first level, at least 26% on the upper levels. If the buildings are to be used for office or residential, only 26% on each level is required, but welcoming entries and lobbies with a larger percentage of transparency are encouraged.
- (3) Materials. Recommended materials include:
  - (a) Construction Materials.
    - Brick in approved range of colors (for the predominant exterior material). Brick used in new construction shall not be painted.
    - Stone, cast stone or architectural concrete
    - Split-face block used in conjunction with brick
    - Light stucco finish
    - Wood on for smaller-scale townhouses and condos if zoning allows.
  - (b) Trim or Accent Materials.
    - Ceramic tile in appropriate colors
    - Wood (e.g., accent material such as paneled storefronts and entries)
    - Metal framing (NOTE: aluminum storefront framing systems must be designed with careful consideration of proper proportions of the framing members in order to be successful)
    - Cast or wrought iron
    - Sheet metal (parapet wall copings, etc.)
    - Fabricated millwork (Fiberglass or structural foam)
  - (c) Glazing Materials.
    - Clear glass, glass block
    - Textured, faceted, or stained glass as an accent
  - (d) Roofing Materials.
    - Standing-seam metal roofs
    - Slate or synthetic slate
    - Composition shingles (Standard 3-tab shingles and shingles that are imitations of wood shingles or shakes are inappropriate. Heavy weight shingles such as "Slateline" by GAF, "Grand Manor" or "Carriage House" by Certainteed are appropriate.)

- Membrane roofing at low-slope areas (built-up roofing, single-ply roofing, etc.)
- (e) Awnings.
- Fabric awnings
- (f) Prohibited Materials.
- "Mirrored" or opaque glass
  - Colored glass
  - Wood shakes or shingles
  - Heavily textured stucco
  - Imitation stone texturing (formstone)
  - Clapboard sidings, whether wood or alternative materials at the ground level or except with review and approval
  - Backlit canopies or awnings
  - Plastic awnings
- (4) Building Scale and Proportion. Building facades must have windows that have a vertical emphasis, i.e., windows that are taller than they are wide (except storefronts, see below). Windows must be organized into regularly spaced patterns within the wall surface.
- (5) Building Elements.
- (a) Windows. Acceptable windows for the CDO2 overlay district are single-hung or double-hung (except storefronts, see below). A wide variety of contemporary window types constructed from a range of materials can be used. Additional configurations such as casement sash or fixed windows may be acceptable. Windows may have further dividing members, but such divisions shall be either "true divided light" construction or permanent exterior grilles. Interior grilles alone or grilles set between the panes of double glazing are not acceptable. Windows may be constructed of wood, clad in vinyl or prefinished metal, or from aluminum.
- (b) Storefronts/Building Fronts on Retail Buildings Only. On commercial/retail buildings, the first-floor storefront must be composed of large expanses of glazed openings (45% or more). The use of awnings can shade these large glass areas. Metal framing for storefront glazing must be a minimum of 2" wide.
- (c) Doors. Doors used on commercial structures must follow the traditional format for "commercial" doors. The use of door configurations more typically found on residential structures such as paneled doors or "cross-buck" doors is not appropriate when visible from the public right-of-

way. "Narrow" or "medium" stile aluminum doors may not be used for primary entrances.

- (d) Shutters. The size and shape of shutters must correspond to the size and shape of the window opening. Shutters can be mounted to operate, or if mounted in a fixed position, must be placed immediately adjacent to the window jamb. Wood and synthetic millwork are acceptable materials for shutters.
- (e) Awnings. Fabric awnings are permitted. Backlit or plastic awnings are not permitted.
- (6) Equipment and Technology. Mechanical equipment must be located on the roof or at the rear of buildings if ground mounted equipment is used. Many buildings require satellite dishes for business or entertainment purposes. Television antennae, satellite dishes, and similar equipment must be located so as not to be visible from the street.
- (7) In the CDO2 overlay district, this subsection (C) Architectural Guidelines for Small Buildings does not apply to accessory structures which comply with building code requirements and are less than 500 square feet in enclosed area.

Note 38. Private Clubs (For Profit). (Amended 6/4/2018, 8/2/2021)

- (A) If alcohol is dispensed/sold at a private club, all applicable alcohol beverage permits must be secured and provided to the town.
- (B) If any activities conducted at the private club result in two (2) or more violations of Town of Pembroke nuisance ordinances or Town, Robeson County, or North Carolina police are called to the site for intervention within any three hundred sixty-five (365) day period of time, the special use permit will be revoked.
- (C) Plans for security and public safety must be submitted with the special use permit application.
- (D) There must be a minimum of one thousand five hundred (1,500) feet of separation between all private clubs (for profit) measured in a straight line between the two closest points of the parcels on which the private clubs (for profit) are located.
- (E) Outside Activities Conducted at a Private Club.
  - (1) Outside activities must be subordinate to the primary indoor activities.

- (2) The hours of operation allowed shall be compatible with the uses adjacent to the activity and established by the special use permit.
- (3) The amount of noise generated shall not disrupt the activities of the adjacent land uses.
- (4) The applicants shall guarantee that all litter generated by the outside activity be removed at no expense to the town.
- (5) All parking required to accommodate an outside activity must be accommodated on-site.
- (6) All outside activity areas shall be enclosed by a six (6) foot high opaque fence.
- (7) There must be controlled access provided by the fencing to the outside activity areas, not including parking.

Note 39. Standards for Smoke Shops and Tobacco Stores. *(Amended 9/4/2018, 8/2/2021)*

- (A) Notwithstanding any other provision of this title to the contrary, smoke shops and tobacco stores shall be a specially permitted use only in the C-3 Highway Business District, subject to the regulations contained in this section.
- (B) All smoke shops and tobacco stores wishing to operate within the C-3 district after the effective date of this Ordinance must obtain a special use permit (CUP).
- (C) Additional zoning and land use standards for smoke shops and tobacco stores shall be as follows:
  - (1) Smoke shops and tobacco stores shall not be located within three hundred (300) feet, measured property line to property line, from a school (public or private), family day care home, child care facility, youth center, community center, recreational facility, park, church or religious institution, hospital, or other similar uses where children regularly gather.
  - (2) Smoke shops and tobacco stores shall not be located within five hundred (500) feet, measured property line to property line, from another smoke shop and tobacco store.
  - (3) It is unlawful for a smoke shop and tobacco store to knowingly allow or permit a minor, not accompanied by his or her parent or legal guardian, to enter or remain within any smoke shop or tobacco store.

- (4) Smoke shops and tobacco stores shall post clear signage stating that minors may not enter the premises unless accompanied by a parent or legal guardian. At least one such sig shall be placed in a conspicuous location near each public entrance to the smoke shop and tobacco store. It shall be unlawful for a smoke shop and tobacco store to fail to display and maintain, or fail to cause to be displayed or maintained, such signage.
- (D) Standard conditions of approval for any special use permit shall, at a minimum, include the following:
  - (1) No smoking shall be permitted on the premises at any time.
  - (2) No sales may be solicited or conducted on the premises by minors.
  - (3) No self-service tobacco, tobacco product, or tobacco paraphernalia displays shall be permitted.
  - (4) No distribution of free or low-cost tobacco, tobacco products or tobacco paraphernalia, as well as coupons for said items, shall be permitted.
  - (5) These special use permit requirements do not apply to ancillary sales.
- (E) The display, sale, distribution, delivery, offering, furnishing, or marketing of e-cigarettes or any other tobacco products or tobacco paraphernalia, regardless of square footage, is subject to the restrictions of this Ordinance and shall not constitute "ancillary sale" under any circumstances.
- (F) Smoke shops and tobacco stores that are legally existing on the effective date of this Ordinance may continue to operate as legal nonconforming uses and shall not be required to obtain a special use permit. However, any change or expansion of the legal nonconforming use may require compliance with this Ordinance and a special use permit.

Note 40. Accessory Non-Profit Temporary Recreational Vehicle (RV) Parking Standards. (Amended 8/5/2019)

- (A) All non-profits must have 501(c)(3) status.
- (B) All RV(s) shall be located on the 501(c)(3) primary building property.
- (C) A vacant RV shall not be located on the parcel for longer than fourteen (14) continuous calendar days.
- (D) An individual RV may not be located on the property for more than sixty (60) days in any one calendar year.
- (E) There shall be no more than four (4) RV paved parking pads.
- (F) All parking pads shall be forty (40) feet by twenty (20) feet in area.
- (G) All parking pads shall have direct access to an existing off-street parking lot.
- (H) All RV parking pads shall be used for the sole purpose of providing temporary housing for individuals providing voluntary service to the 501(c)(3) non-profit for support which directly serves the 501(c)(3) facilities.
- (I) Each RV parking pad shall have individual connection to the Town of Pembroke water and sewer systems.



- (J) Each RV parking pad shall have individual electric service connections.
- (K) There shall be a five (5) foot separation between individual RV parking pads.
- (L) RV parking pads shall not be located in a required yard.
- (M) RV Parking pads shall be located to the rear of the primary building footprint.
- (N) All RV parking pad areas shall be lighted.
- (O) A six (6) foot high opaque fence shall be provided between the RV parking pad areas and any adjacent residentially zoned or used area(s).
- (P) The 501(c)(3) non-profit shall provide the Town of Pembroke Town Manager with the North Carolina or other state license plate number for each RV parked on an approved RV parking pad.

Note 41. NC Licensed Massage Therapists. (Amended 3/1/2021)

- (A) The hours of operation should be limited to 7:00 am to 8:00 pm.
- (B) Signage must comply with Section 18-4(B) of the UDO.
- (C) Off-street parking must be provided as required by Article 17 of the UDO.
- (D) Exterior lighting shall be limited to safety/security lighting wall mounted fixtures for building entrance and exits.
- (E) The NC licensed massage therapist may only be located in an accessory building which existed on May 4, 2009.

Note 42. Wind Energy Generating Facility, Accessory. (Amended 8/2/2021)

Wind energy generating facilities (accessory) designed to supplement other electricity sources shall be permitted as an accessory use in accordance with the Table of Permitted Uses, subject to the following standards:

- (A) A wind energy generator (accessory) shall be setback from all property lines a distance equal to one linear foot for every foot of height of the highest structure that is part of the facility or the minimum setback for the zoning district, whichever is greater.
- (B) A wind turbine may not be located between the front wall of the primary structure and the street.
- (C) Rotor blades on wind turbines shall maintain at least twenty-four (24) feet of clearance between their lowest point and the ground.
- (D) Maximum height of wind turbines shall be consistent with the requirements of the underlying zoning district. The height shall be measured from the ground to the highest point of the prop.

(E) Installation and Design.

- (1) The installation and design of the wind energy generator (accessory) shall conform to applicable industry standards, including those of the American National Standards Institute.
- (2) All electrical, mechanical, and building components of the wind energy generator (accessory) shall be in conformance with the International Building Code with North Carolina amendments.
- (3) Any on site transmission or power lines shall, to the maximum extent possible, be installed underground.
- (4) Attachment to a building of any kind shall be prohibited.

(F) The visual appearance of wind energy generator (accessory) shall:

- (1) Be constructed of a corrosion resistant material that will not fade, show rust spots, or otherwise change the appearance as a result of exposure to the elements and be a non-obtrusive color such as white, off white, or gray.
- (2) Not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
- (3) Landscaping, buffering, and screening shall be provided in accordance with Article 15.

(G) Any wind energy generator (accessory) that is not functional shall be repaired by the owner within a three (3) month period or be removed. In the event that the town becomes aware of any wind energy system that is not operated for a continuous period of three (3) months, the town will notify the landowner by certified mail and provide thirty (30) days for a written response. In such a response, the landowner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the town deems the timetable for corrective action as unreasonable, the town shall notify the landowner and such landowner shall remove the turbine within thirty (30) days of receipt of said notice. Any disturbed earth shall be graded and re seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

(H) Compliance with Other Regulations. All wind energy generators shall comply with all other applicable regulations.

Note 43. Wind Farm. (Amended 8/2/2021)

Wind Farms developed as a principal use shall be permitted in accordance with the Table of Permitted Uses, subject to the following:

(A) Setbacks.

Wind Energy Facility Type	Minimum Lot Size	Minimum Setback Requirements <sup>1</sup>			Maximum Height from Grade (including blades)
		Occupied Buildings (Subject Property) <sup>2</sup>	Property Lines <sup>2</sup>	Public/ Private Right-of-Way <sup>2</sup>	
Wind Farm	5 Acres	1.0	1.0	1.5	250 Ft.

<sup>1</sup>Measured from the center of the wind turbine base to the property line, right-of-way, or nearest point on the foundation of the occupied building. <sup>2</sup>Calculated by multiplying required setback number by wind turbine height.

(B) Height. Two hundred fifty feet (250') maximum.

(C) Ground Clearance. Rotor blades on wind turbines must maintain at least twenty-four feet (24') of clearance between their lowest point and the ground.

(D) Visibility. Wind farms must be set back at least 150 feet from any residential district; no energy generating equipment may be located within 150 feet of any public right-of-way; and a continuous screen of evergreen vegetation intended to be at least ten (10) feet high and three (3) feet thick at maturity must screen all adjacent properties and roadways.

(E) Interconnection Agreement. All wind farms are required to enter into an interconnection agreement with the town prior to connection.

(F) Wind Farm Facility Noise, Shadow Flicker, and Electromagnetic Interference.

(1) Audible sound from a Wind Turbine shall not exceed fifty-five (55) dBA, as measured at any occupied building of a Non-Participating Landowner.

(2) Shadow flicker at any occupied building on a Non-Participating Landowner's property caused by a Wind Energy Facility located within 2,500 feet of the occupied building shall not exceed thirty (30) hours per year.

(3) Wind turbines may not interfere with normal radio and television reception in the vicinity. The applicant shall minimize or mitigate any interference with electromagnetic communications, such as radio, telephone or television signals caused by any wind energy facility.

(G) Application Requirements.

- (1) Provide identification and location of the property on which the proposed wind farm will be located.
- (2) Submit a site plan denoting the dimensions of the parcel, proposed wind farm location (arrangement of turbines and related equipment), distance from the proposed area to all property lines, and location of the driveway(s). No portion of the wind farm area may encroach into the required setbacks and any buffer area(s).
- (3) The site plan should also show the location of required buffers.
- (4) Provide the representative type and height of the wind turbine in the form of horizontal and vertical (elevation) to scale drawings, including its generating capacity, dimensions and respective manufacturer, and a description of ancillary facilities.
- (5) Provide evidence of compliance with applicable Federal Aviation Administration regulations.
- (6) State and Local Stormwater permits may be required based upon ground cover.
- (7) If applicable, the applicant must apply and receive from the North Carolina Department of Transportation (NCDOT) a driveway permit, or submit documentation from NCDOT that the existing site access is acceptable for the required use prior to final project approval.
- (8) An applicant for a Wind Farm special use permit shall include with the application an analysis of the potential impacts of the wind power project, proposed mitigative measures, and any adverse environmental effects that cannot be avoided, in the following areas:
  - (a) Demographics including people, homes, and businesses.
  - (b) Noise.
  - (c) Visual impacts.
  - (d) Public services and infrastructure.
  - (e) Cultural and archaeological impacts.
  - (f) Recreational resources.
  - (g) Public health and safety, including air traffic, electromagnetic fields, and security and traffic.
  - (h) Hazardous materials.
  - (i) Land based economics, including agriculture, forestry, and mining.
  - (j) Tourism and community benefits.
  - (k) Topography.
  - (l) Soils.

- (m) Geologic and groundwater resources.
- (n) Surface water and floodplain resources.
- (o) Wetlands.
- (p) Vegetation.
- (q) Avian impact assessment that includes an indication of the type and number of birds that are known or suspected to use a project site and the area surrounding that site.
- (r) Wildlife.
- (s) Rare and unique natural resources.

(9) An applicant for Wind Farm special use permit shall state in the application whether a Certificate of Public Convenience and Necessity for the system is required from the North Carolina Utilities Commission and, if so, the anticipated schedule for obtaining the certificate. The town may ask the Utilities Commission to determine whether a Certificate of Public Convenience and Necessity is required for a particular wind power project for which the town has received an application. The town shall not approve a project requiring a certificate unless and until such certificate is issued by the Utilities Commission. If a certificate is not required from the Utilities Commission, the permit shall include with the application a discussion of what the applicant intends to do with the power that is generated.

(H) Installation and Design.

- (1) The installation and design of the wind generation facility shall conform to applicable industry standards, including those of the American National Standards Institute.
- (2) All electrical, mechanical, and building components of the wind generation facility shall be in conformance with the International Building Code with North Carolina Amendments.
- (3) Any on site collection and distribution lines shall, to the maximum extent possible, be installed underground.
- (4) Attachment to a building of any kind shall be prohibited.

(I) Visual Appearance.

- (1) The wind turbine shall be constructed of a corrosion resistant material that will not fade, show rust spots or otherwise change the appearance as a result of exposure to the elements, and be a non-obtrusive color such as white, off white or gray; and
- (2) The wind turbine shall not be artificially lit, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.

- (J) Maintenance. Any wind generation facility that is not functional shall be repaired by the owner within a 6-month period or be removed. In the event that the town becomes aware of any wind farm that is not operated for a continuous period of 6 months, the town will notify the landowner by certified mail and provide 30 days for a written response. In such a response, the landowner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the town deems the timetable for corrective action as unreasonable, the town shall notify the landowner, and such landowner shall remove the turbine(s) with 180 days of receipt of said notice. Any disturbed earth shall be graded and re seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
- (K) Decommissioning.
- (1) The applicant must remove the wind generation facility if, after the completion of the construction, the wind generation facility fails to begin operation, or becomes inoperable for a continuous period of one (1) year.
  - (2) The one-year period may be extended upon a showing of good cause to the Town of Pembroke Town Council.
  - (3) Applicants proposing development of a Wind Farm must provide to the town a form of surety equal to 125% of the entire cost, as estimated by the applicant and approved by the Town Attorney, either through a surety performance bond, irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the town or in escrow with a financial institution designated as an official depository of the town, to cover the cost of removal in the event the applicant is unable to perform any required removal and the town chooses to do so. Following initial submittal of the surety, the cost calculation shall be reviewed every 12 months by the applicant and adjusted accordingly based upon the estimated decommissioning costs in current dollars. The adjustment must be approved by the town. Failure to comply with any requirement of this paragraph shall result in the immediate termination and revocation of all prior approvals and permits; further, the Town of Pembroke shall be entitled to make immediate demand upon, and/or retain any proceeds of, the surety, which shall be used for decommissioning and/or removal of the Wind Farm, even if still operational.

Note 44. Commercial Amusement Use. (Amended 2/7/2022)

- (A) Hours of operation shall be 9:00 AM to 10:00 PM.
- (B) Arcade/video games for gaming or for any financial rewards paid as a result of a video game operation are not permitted. All video/arcade operations shall comply with applicable state statutes.

Note 45. Multi-Family and Townhouse Development in the C-1 Zoning District. (Amended 2/7/2022)

- (A) Minimum Lot Area. As required by the zoning district in which the development is located, see Article 11, Table of Yard, Area, Height, and Lot Coverage Regulations.
  
- (B) Parking. As specified in Article 17 of this Ordinance.
  
- (C) Placement of Buildings.
  - (1) There shall be maintained at least 16 linear feet of open space between individual and unattached buildings in a residential development.
  
  - (2) Any group of buildings forming a courtyard shall have at least 25% of the perimeter of such courtyard open for access by emergency vehicles.
  
  - (3) Where the length of a street exceeds 200 feet and where there exists six or more dwelling units, an area must be provided for the turnaround of fire-fighting vehicles on a paved or graveled surface. This area shall not be used for parking and shall subscribe a circular area having a paved radius of 35 feet or shall have a configuration which provides comparable turnaround space.
  
  - (4) All fire hydrants, whenever possible, should be located adjacent to the paved roadways suitable for transporting fire-fighting vehicles. Hydrants shall be located no more than 50 feet from any building. Hydrants shall be located at entrance and exit ways, and additional hydrants shall be located so that each building and portion thereof will be within 350 feet of a hydrant. If buildings have standpipes and sprinkler systems, one hydrant shall be located within 75 feet of each standpipe and sprinkler connection system. All hydrants must be served by a water main of sufficient size. In no case shall the minimum size main be less than six inches in diameter.
  
  - (5) All building locations shall be approved by the Planning Board.
  
- (D) Design Standards.
  - (1) Entrances and parking lots should be configured to be functional and inviting with walkways conveniently tied to logical destinations.
  
  - (2) The features and spaces should enhance the building and center as integral parts of the community. The use of such features as plazas, patios, and courtyards should be used when practical.
  
  - (3) The maximum density will be established during the Special Use Permit review.
  
  - (4) Maximum impervious coverage ratio shall be 60%.

Note 46. Manufactured Home, Class A. (Amended 9/5/2023)

Manufactured Home, Class A dwelling units developed in an R-8 zoning district must obtain a special use permit. Additionally, a certificate of occupancy will not be granted unless the lot and unit meet the following requirements:

- (A) All roof structures shall provide an eave projection of no less than six inches, which may include a gutter.
- (B) All units must be located on ground above the base flood elevation and graded to prevent water from ponding.