

ARTICLE 2. BASIC DEFINITIONS AND INTERPRETATIONS

Section 2-1: Word Interpretation

For the purposes of this Ordinance, certain words shall be interpreted as follows. Except as defined herein, all other words used in this Ordinance shall have their customary dictionary definition.

- (A) As used in this Ordinance, words importing the masculine gender include the feminine and neuter.
- (B) Words used in the singular in this Ordinance include the plural and words used in the plural include the singular.
- (C) Words used in the present tense include future tense.
- (D) The word “person” includes a firm, association, organization, corporation, company, trust, and partnership as well as an individual.
- (E) The words “may” and “should” are permissive.
- (F) The words “shall” and “will” are always mandatory and not merely directive.
- (G) The word “used for” shall include the meaning “designed for.”
- (H) The words “used” or “occupied” shall mean “intended, designed, and arranged to be used or occupied.”
- (I) The word “lot” shall include the words “plot,” “parcel,” “site,” and “premises.”
- (J) The word “structure” shall include the word “building.”
- (K) The word “street” includes the word “alley,” “road,” “cul-de-sac,” “highway,” or “thoroughfare,” whether designated as public or private.
- (L) The word “includes” shall not limit the term to specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.
- (M) The word “Town Councilman” shall include “Town Council” of the Town of Pembroke, North Carolina.
- (N) The word “director” shall mean the Town Manager or his designee.
- (O) The words “Zoning Board,” “Zoning Commission,” or “Planning Commission” shall mean the “Town of Pembroke Planning Board.”

- (P) The word “Town” shall mean the “Town of Pembroke,” a municipal corporation of the State of North Carolina.
- (Q) The words “map,” “zoning map,” and “Pembroke Zoning Map” shall mean the “Official Zoning Map for the Town of Pembroke, North Carolina.”
- (R) The words “Board of Adjustment” shall mean the “Town of Pembroke Board of Adjustment.”

Section 2-2: Definitions of Basic Terms

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this Ordinance.

Abandoned Vehicle.

A motor vehicle that:

- (1) Has been left upon a street or highway in violation of a law or ordinance prohibiting parking; or
- (2) Is left on property owned or operated by the Town for longer than 24 hours; or
- (3) Is left on private property without the consent of the owner, occupant, or lessee thereof longer than two hours; or
- (4) Is left on any public street or highway for longer than seven days.

Abutting.

A property which directly touches another piece of property.

Accessory Apartments.

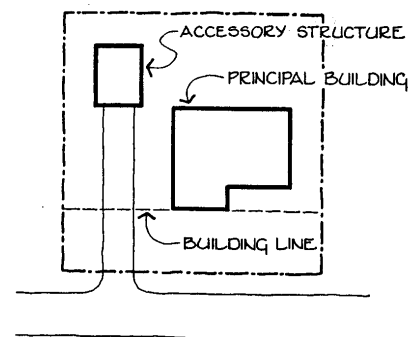
A self-contained unit incorporated within an existing structure for a single family.

Accessory Building, Structure, or Use.

A building, structure, or use incidental to, and on the same lot as, a principal use.

Addition (to an existing building).

An extension or increase in the floor area or height of a building or structure.



Administrative Decision.

Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in NCGS Chapter 160D or town development regulations. Also referred to as ministerial decisions or administrative determinations. *(Amended 8/2/2021)*

Administrative Hearing.

A proceeding to gather facts needed to make an administrative decision. *(Amended 8/2/2021)*

Administrator.

The Administrator for the Town of Pembroke.

Adult Business.

Any place defined as an “Adult Establishment” as defined by North Carolina General Statute 14-202.10 as such statute may be amended from time to time, including Adult Cabarets, and except the definition of “Massage Business” shall not include any establishment or business where massage is practiced that is a health club, exercise studio, hospital, physical therapy business or other similar health-related business. Adult Business specifically includes, however, any Massage Business where “massages” are rendered by any person exhibiting “Specified Anatomical Areas” and/or where “massages” are performed on any client’s “Specified Anatomical Areas.” “Specified Anatomical Areas” are those defined by North Carolina General Statute 14-202.10 as such statute may be amended from time to time.

Agricultural Vending Machine.

A freestanding structure that stores and distributes feed for recreational use for animals such as deer, cattle, poultry, goats, and horses. *(Amended 6/6/2016)*

Agriculture.

The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, forestry, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

Agritourism.

Any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, or natural activities and attractions. A building or structure used for agritourism includes any building or structure used for public or private events, including, but not limited to, weddings, receptions, meetings, demonstrations of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting. *(Amended 8/5/2019)*

Alley.

A minor right-of-way privately or publicly owned, primarily for service access to the back or side of properties.

Alterations.

The word “alteration” shall include any of the following:

- (1) Any addition to the height or depth of a building or structure;
- (2) Any change in the location of any of the exterior walls of a building or structure;
- (3) Any increase in the interior accommodations of a building or structure.

Ancillary Sales.

Where a grocery store, supermarket, convenience store or similar market uses no more than two percent of its gross floor area, or 200 square feet, whichever is less, for the display, sale, distribution, delivery, offering, furnishing, or marketing of conventional cigars, cigarettes, or tobacco. For any grocery store, convenience market, retail kiosk, of similar use consisting of 250 square feet or less, "ancillary sale" shall mean where no more than five (5) square feet are used for the display, sale, distribution, delivery, offering, furnishing, or marketing of conventional cigars, cigarettes, or tobacco. *(Amended 9/4/2018)*

Antenna.

Communications equipment that transmits, receives, or transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications service. *(Amended 11/4/2013)*

Apartment.

A room or suite of one or more rooms, each of which has kitchen facilities and is designed or intended to be used, as an independent unit, on a rental basis.

Appeal.

A request for a review of the administrator's interpretation of any provision of this Ordinance or a request for a variance.

Applicable Codes.

The North Carolina State Building Code and any other uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization together with State or local amendments to those codes enacted solely to address imminent threats of destruction of property or injury to persons. *(Amended 10/2/2017)*

Application, Telecommunication Facilities.

A request that is submitted by an applicant to the Town for a permit to collocate wireless facilities or to approve the installation, modification, or replacement of a utility pole, Town utility pole, or wireless support structure. *(Amended 10/2/2017)*

Approval Authority.

The Town Council of the Town of Pembroke, the Board of Adjustment or other board or official designated by Ordinance as authorized to grant the specific zoning or land use permit or approval that constitutes a site-specific development plan.

As-Built Plan.

Plans reflecting actual field conditions which may include the construction plans with any changes identified and shown on the plan.

Assembly.

A joining together of completely fabricated parts to create a finished product.

Assembly Hall.

A building or portion of a building in which facilities are provided for civic, educational, political, religious, entertainment, or social purposes. Food preparation facilities to serve events at the assembly hall may be provided but not to function as a restaurant to serve the general public. (Amended 4/3/2017)

Assisted Living Residence.

Any group housing and services program for two or more unrelated adults, by whatever name it is called, that makes available, at a minimum, one meal a day and housekeeping services and provides personal care services directly or through a formal written agreement with one or more licensed home care or hospice agencies. The Department may allow nursing service exceptions on a case-by-case basis. Settings in which services are delivered may include self-contained apartment units or single or shared room units with private or area baths. Assisted living residences are to be distinguished from nursing homes subject to provisions of GS 131E-102. Effective October 1, 1995, there are two types of assisted living residences: adult care homes and group homes for developmentally disabled adults. Effective July 1, 1996, there is a third type, multi-unit assisted housing with services.

- (1) Adult Care Home. An assisted living residence in which the housing management provides 24-hour scheduled and unscheduled personal care services to two or more residents, either directly or, for scheduled needs, through formal written agreement with licensed home care or hospice agencies. Some licensed adult care homes provide supervision to persons with cognitive impairments whose decisions, if made independently, may jeopardize the safety or well-being of themselves or others and therefore require supervision. Medication in an adult care home may be administered by designated, trained staff. Adult care homes that provide care to two to six unrelated residents are commonly called family care homes.
- (2) Multi-unit Assisted Housing with Services. An assisted living residence in which hands-on personal care services and nursing services which are arranged by housing management are provided by a licensed home care or hospice agency, through an individualized written care plan. The housing management has a financial interest or financial affiliation or formal written agreement which makes personal care services accessible and available through at least one licensed home care or hospice agency. The resident has a choice of any provider, and the housing management may not combine charges for housing and personal care services. All residents, or their compensatory agents, must be capable, through informed consent, of entering into a contract and must not be in need of 24-hour supervision. Assistance with self-administration of medications may be provided by appropriately trained staff when delegated by a licensed nurse according to the home care agency's established plan of care. Multi-unit assisted housing with services programs are required to register with the Division of Facility Services and to provide a disclosure statement. The disclosure statement is required to be a part of the annual rental contract that includes a description of the following requirements:
 - (a) Emergency response system;

- (b) Charges for services offered;
- (c) Limitations of tenancy;
- (d) Limitations of services;
- (e) Resident responsibilities;
- (f) Financial/legal relationship between housing management and home care or hospice agencies;
- (g) A listing of all home care or hospice agencies and other community services in the area;
- (h) An appeals process; and
- (i) Procedures for required initial and annual resident screening and referrals for services.

Continuing care retirement communities, subject to regulation by the Department of Insurance under Chapter 58 of the General Statutes, are exempt from the regulatory requirements for multi-unit assisted housing with services programs.

Attached Dwelling Unit for Individual Ownership (Townhouse).

A dwelling unit having a common or party wall with another dwelling unit. Each attached dwelling unit is characterized by its own subdivided lot of record which is conveyed with the dwelling unit when purchased.

Automated Teller Machine (ATM).

An automated device that performs banking or financial functions at a financial institution or at a location remote from the controlling financial institution as accessory to primary use. *(Amended 6/6/2016)*

Automobile Detailing Shop.

A facility which provides automobile-related services including, but not limited to applying paint protectors, interior and exterior cleaning and polishing as well as installation of aftermarket accessories such as tinting, auto alarms, spoilers, sunroofs, headlight covers, and similar items. However, engine degreasing or similar automobile cleaning services shall not be included under this definition. *(Amended 8/7/2023)*

Automobile Off-Street Parking (Commercial Lot).

Any building or premises, except a building or premises described as a private garage, used for the storage of motor vehicles for the public or private businesses.

Automobile Repair Shop.

A building or other structure where the following uses and activities are permitted: major mechanics, body work, straightening of body parts, along with all uses and activities of an automotive care center.

Automobile Wash.

A building or structure where chain conveyors, blowers, steam cleaners, and other mechanical devices are employed for the purpose of washing motor vehicles. *(Amended 8/7/2023)*

Automotive Care Center.

Three or more automotive care uses planned and constructed as a single unit, where the following uses and activities associated with each would be permitted:

- (1) Auto parts store
- (2) Muffler shop
- (3) Transmission shop
- (4) Tune-up shop
- (5) Lubrication shop
- (6) Auto trim and detail shop
- (7) Tire store with service (including alignment)
- (8) Brake shop

Uses permitted do not include major mechanical and body work, straightening of body parts, storage of automobiles not in operational condition, or other work involving noises, glare, fumes, smoke, or other characteristics to an extent greater than normally found in facilities of this type. An automotive care center is not a garage for the general repair of automobiles, or a body shop, but does include an automotive trim shop.

Base Station.

A station at a specific site authorized to communicate with mobile stations, generally consisting of radio receivers, antennas, coaxial cables, power supplies, and other associated electronics. *(Amended 11/4/2013)*

Bed and Breakfast Inn.

A house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises or in adjacent premises (including boarding home(s) and tourist home(s)).

Block.

A piece of land bounded on one or more sides by streets or roads.

Board of Adjustment.

A semi-judicial body, composed of representatives from the Town of Pembroke, which is given certain powers under and relative to this Ordinance.

Bona Fide Farm.

Agricultural activities as set forth in NCGS 160D-903. Sufficient evidence that the property is being used for bona fide farm purposes includes the following: (1) a farm sales tax exemption certificate issued by the Department of Revenue; (2) a copy of the property tax listing showing that the property is eligible for participation in the present-use-value property program pursuant to NCGS 105-277.3; (3) a copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return; or (4) a forestry management plan. *(Amended 8/5/2019, 8/2/2021)*

Brewpub.

A restaurant-brewery that sells 25% or more of its beer on-site and operates significant food services. The beer is primarily for sale in the restaurant and bar but allows for some take away sales. *(Amended 3/7/2022)*

Buffer Strip.

A planted strip which shall be a minimum of five (5) feet in width, shall be composed of evergreen shrubs, and/or trees such that at least two (2) rows of coverage are provided from the ground to a height of six (6) feet within six (6) years and foliage overlaps. The five (5) feet required for the buffer strip shall be in addition to all normal yard requirements of this Ordinance.

Buildable Area.

The portion of a lot remaining after required yards have been made.

Building.

Any structure built for support, shelter, or enclosure for any occupancy or storage. *(Amended 6/4/2018)*

- (1) Large Building. A building having 7,000 square feet or more of gross enclosed floor area.
- (2) Small Building. A building having less than 7,000 square feet in enclosed floor area.

Building, Accessory.

See accessory structure.

Building, Commercial.

Any building used for business purposes.

Building, Detached.

A building having no party or common wall with another building except an accessory building or structure.

Building Frontage.

The distance expressed in linear feet of the horizontal dimension of a building wall that is parallel and adjacent to one (1) or more of the qualifying areas as follows: (a) a public or private street; (b) a common parking area in the case of a planned center; (c) a public parking area; or (d) a public access walkway.

Building, Height of.

The vertical distance from the average finished grade (prior to the addition of any fill) of the building lot to the highest point of the building. The average grade will be based on the condition of the lot prior to the date of adoption of this Ordinance.

Building Inspector.

The person, officer, and his authorized representatives, whom the Town Council have designated as their agent for the administration and enforcement of the Town building codes and minimum housing code.

Building Line.

A line parallel to the street right-of-way which intersects the nearest point of the building to the street right-of-way.

Building Line Minimum.

A line parallel to the street right-of-way which establishes the minimum allowable distance between the nearest portion of any building, excluding the outermost three (3) feet of any uncovered porches, steps, eaves, gutters and similar fixtures, and the street right-of-way line, when measured perpendicularly thereto, such minimum distance from the street right-of-way line as specified in Article 11, "Table of Area, Yard, Height, and Lot Coverage Requirements."

Building, Main.

A building in which the principal use of the lot on which the building is situated is conducted.

Building Site.

Any lot, or portion thereof, or two (2) or more contiguous lots, or portions thereof, of a parcel of land upon which a building or buildings may be erected in conformance with the requirements of the Town of Pembroke Zoning Ordinance.

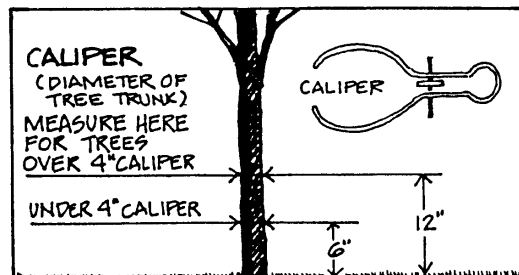
Bulk Storage System.

A facility containing storage tanks, pipe network, power, and control systems which allow dry bulk materials to be aerated and handled as required. Normally used to store materials which are consumed in relatively large quantities (i.e., barite, bentonite, and cement).

Caliper.

A measurement of the diameter of a tree trunk taken to the following standards:

- (1) New nursery (to be installed) and nonregulated (existing on-site) trees: trees up to and including four (4) inches in diameter shall be measured six (6) inches above ground level. For trees above four (4) inches in diameter, the caliper measurement shall be taken twelve (12) inches above ground level.



- (2) Regulated on-site trees: the caliper of regulated trees shall be measured four and one-half (4-1/2) feet above average ground level.

Certificate of Occupancy/Compliance.

A statement, signed by the Building Inspector or his authorized agents, setting forth that the building, structure or use complies with the zoning ordinance, and that the same may be used for the purpose stated herein.

Certiorari.

An appellate proceeding which brings into Superior Court or other appropriate forum the record of administrative, judicial, or quasi-judicial actions for the purposes of either reexamining the action taken by the inferior body to determine the appropriateness of said action or to obtain further information in the pending case.

Certify.

Whenever this Ordinance requires that some agency certify the existence of some fact or circumstance to the Town, the Town may require that such certification be made in any manner that provides reasonable assurance of the accuracy of the certification. By way of illustration, and without limiting the foregoing, the Town may accept certification by telephone from some agency when the circumstances warrant it, or the Town may require that the certification be in the form of a letter or other document.

Chemical Storage Facility.

A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive product.

Child Care Home.

A home for not more than nine (9) orphaned, abandoned, dependent, abused, or neglected children, together with not more than two (2) adults who supervise such children, all of whom live together as a single housekeeping unit.

Child Care Institution.

An institutional facility housing more than nine (9) orphaned, abandoned, dependent, abused, or neglected children.

Church or Place of Religious Worship.

An institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The term "church" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

Circulation Area.

That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.

Club, Private (For Profit).

Buildings and facilities owned or operated for profit by a corporation, association, person, or persons for a social or recreational purpose, and requiring membership. *(Amended 6/4/2018)*

Club, Public or Private (Nonprofit).

An incorporated or unincorporated association for civic, social, cultural, fraternal, literary, political, recreational or like activities operated on a nonprofit basis for the benefit of its members, and recognized as a nonprofit organization by the State of North Carolina. *(Amended 6/4/2018)*

Collocation.

The placement, installation, maintenance, modification, operation, or replacement of wireless facilities on, under, within, or on the surface of the earth adjacent to existing structures, including utility poles, Town utility poles, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes. The term “collocation” does not include the installation of new utility poles, Town utility poles, or wireless support structures. *(Amended 10/2/2017)*

Commercial Amusement Use.

Any use which provides entertainment, amusement, or recreation activities for commercial gain. This definition shall not include special events or functions customarily sponsored by or associated with schools, churches, nonprofit organizations, civic groups, fraternal orders, and charitable institutions.

Communications Facility.

The set of equipment and network components, including wires and cables and associated facilities used by a communications service provider to provide communications service. *(Amended 10/2/2017)*

Communications Service.

Cable service as defined in 47 USC § 522(6), information service as defined in 47 USC § 153(24), telecommunications service as defined in 47 USC § 153(53), or wireless services. *(Amended 10/2/2017)*

Communications Service Provider.

A cable operator as defined in 47 USC § 522(5); a provider of information service, as defined in 47 USC § 153(24); a telecommunications carrier, as defined in 47 USC § 153(51); or a wireless provider. *(Amended 10/2/2017)*

Comprehensive Plan.

The comprehensive plan, land use plan, small area plans, neighborhood plans, transportation plan, capital improvement plan, and any other plans regarding land use and development that have been officially adopted by the Town Council. *(Amended 8/2/2021)*

Conditional Zoning.

A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment. *(Amended 8/2/2021)*

Condominium.

A dwelling unit in which the ownership of the occupancy rights to the dwelling unit is individually owned or for sale to an individual and such ownership is not inclusive of any land.

Construction Plat.

A plan with supporting data for a proposed subdivision, developed for the purpose of establishing the layout and provision of roads and utilities.

Contractor, General.

One who is engaged in one or more aspects of building construction and/or land development through a legal agreement.

Contractor, Trades.

One who accomplishes work or provides facilities under contract with another and specifically engages in a specialized trade, such as plumbing, heating, wiring, sheet metal and roofing work, etc.

Convenience Store.

A one-story, retail store containing less than 4,000 square feet of gross floor area that is designed and stocked to sell primary food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a “supermarket”). The sale of food prepared on-site for consumption either off- or on-site is considered an accessory and incidental use. It is designed to attract and depends upon a large volume of stop-and-go traffic. Illustrative examples of convenience stores are those operated by the “Fast Fare,” “7-11,” and “Pantry” chains.

County Commissioners.

The Board of Commissioners of Robeson County, North Carolina.

Coverage.

An area determined in square footage.

Curb.

A structural element at the edge of an existing or proposed street or other way, generally at a higher elevation than the adjacent edge of roadway, installed to deter vehicles and water from leaving the roadway, to otherwise control drainage, to delineate the edge of existing or future roadways or driveways, to present a more finished appearance to the street, to assist in the orderly development of the roadside, and to contribute to the stability and structural integrity of the pavement.

Curtain Wall.

A continuous, uniform foundation enclosure constructed of brick or concrete blocks and that is unpierced except for required ventilation and access.

Cutoff Lighting.

As defined by the Engineering Society of North America, cutoff lighting is a lighting fixture that projects all of its light in a downward direction. Full cutoff lighting fixtures emit no upward component of light while providing precise controlled illumination to an area. *(Amended 11/2/2020)*

Day Care Center.

Any childcare arrangement that provides day care on a regular basis for more than four (4) hours per day for more than five (5) children of preschool age.

Day Care Facility (Adult).

The provision of group care and supervision in a place other than their usual place of abode on a less than 24-hour basis to adults who may be physically or mentally disabled. The following are exempt from this definition: (1) those that care for three people or less; (2) those that care for two or more persons, all of whom are related by blood or marriage to the operator of the facility; and (3) those that are required by other statutes to be licensed by the Department of Health and Human Services.

Day Support Facility.

A day support facility is a facility licensed by the NC Division of Medical Assistance as primarily a group service that provides assistance to the beneficiary(ies) with acquisition, retention, or improvement in self-help, socialization, and adaptive skills. Day Supports are furnished in a non-residential setting, separate from the home or facility where the beneficiary resides. Day Supports focus on enabling the beneficiary to attain or maintain his or her maximum functional level and is coordinated with any physical, occupational, or speech therapies listed in the Individual Support Plan. Day Supports may include prevocational activities. *(Amended 8/4/2014)*

Decision-Making Board.

A governing board, planning board, board of adjustment, historic district board, or other board assigned to make quasi-judicial decisions under this UDO. *(Amended 8/2/2021)*

Dedication.

A gift by the owner, or a right to use of land for a specified purpose or purposes. Because a transfer of property rights is entailed, dedication must be made by written instrument, and is completed with an acceptance.

Designer.

A professional who is permitted to prepare plans and studies required by this chapter.

Detention Facility.

A structure designed and constructed for the collection and storage of surface water for subsequent gradual discharge.

Determination.

A written, final, and binding order, requirement, or determination regarding an administrative decision. *(Amended 8/2/2021)*

Develop.

The construction, landscaping, clearing projects or any other project which in any manner alters the natural structure of the land mass.

Developed Land Use Conditions.

The land use conditions that would be permitted according to the current official Town Zoning Maps.

Developer.

A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property. *(Amended 8/2/2021)*

Development.

Unless the context clearly indicates otherwise, the term means any of the following:

- (1) The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
- (2) The excavation, grading, filling, clearing, or alteration of land.
- (3) The subdivision of land as defined in NCGS 160D-802.
- (4) The initiation or substantial change in the use of land or the intensity of use of land. *(Amended 8/2/2021)*

Development Approval.

An administrative or quasi-judicial approval made pursuant to NCGS 160D that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to NCGS Chapter 160D, including plat approvals, permits issued, development agreements entered into, and building permits issued. *(Amended 8/2/2021)*

Development Plan.

A detailed drawing(s) containing specific information regarding proposed development within the Town. *(Amended 8/2/2021)*

Development Regulation.

A unified development ordinance, zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulations, mountain ridge protection regulation, stormwater control regulation, wireless telecommunication facility regulation, historic preservation or landmark regulation, housing code, State Building Code enforcement, or any other regulation adopted pursuant to NCGS Chapter 160D, or a local act or charter that regulates land use or development. *(Amended 8/2/2021)*

Dimensional Nonconformity.

A nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

Dish Antenna (or Earth Station).

An accessory structure and shall mean a combination of (1) antenna or dish antenna whose purpose is to receive communication or other signals from orbiting satellites and other extraterrestrial sources; (2) a low-noise amplifier which is situated at the focal point of the receiving component and whose purpose is to magnify and transfer signals; and (3) a coaxial cable whose purpose is to carry the signals into the interior of the building.

Dish Antenna (or Earth Station) Height.

That distance as measured vertically from the highest point of the antenna or dish, when positioned at its lowest angle for operation, to ground level at the bottom of the vase which supports the antenna.

Dish Antenna (or Earth Station) Setback.

The distance measured from the center mounting post supporting the antenna.

Disposal.

The discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

District.

Any section of the Town of Pembroke and its extraterritorial jurisdiction in which zoning regulations are uniform.

Drip Line.

A vertical line running through the outermost portion of the crown of a tree and extending to the ground.

Drive-in Facility.

An establishment at which employees provide curbside service to customers and at which the customer does not customarily leave his vehicle; or accommodations through special equipment or construction from which a person may receive a service or place an order. Self-service gas pumps are excluded from this definition.

Driveway.

That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.

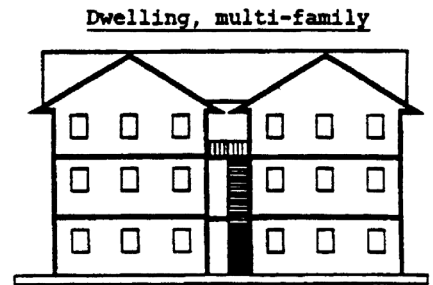
Dwelling.

Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances

belonging thereto or usually enjoyed therewith. The term does not include any manufactured home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose. *(Amended 8/2/2021)*

Dwelling, Multiple Family.

A residential building designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

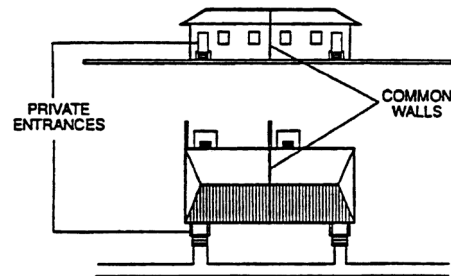


Dwelling, Single-Family.

A detached building designed for or occupied exclusively by one family.

Dwelling, Two Family (Duplex).

A detached residential building containing two dwelling units, designed for occupancy by not more than two families. Units must share a common wall.



Dwelling Unit.

A room or combination of rooms designed for year-round habitation, containing self-sufficient bathroom and kitchen facilities, connected to all required utilities, and designed for or used as a residence by one family. Units located within motels or hotels or travel trailers shall not be included as dwelling units. *(Amended 8/2/2021)*

E-cigarette.

Any electronically actuated device or inhaler meant to simulate cigarette smoking that uses a heating element to vaporize a liquid solution, popularly referred to as a "juice," and that causes the user to exhale any smoke, vapor, or substance other than that produced by unenhanced human exhalation. The juice used in e-cigarettes typically contains nicotine, and for this reason e-cigarettes and their juice can be classified as both tobacco products and tobacco paraphernalia. *(Amended 9/4/2018)*

Easement.

A grant by the property owner of a strip of land for a specified purpose and use by the public, a corporation, or persons.

Eligible Facilities Request.

A request for modification of an existing wireless tower or base station that involves collocation of new transmission equipment or replacement of transmission equipment but does not include a substantial modification. *(Amended 11/4/2013)*

Equipment Compound.

An area surrounding or near the base of a wireless support structure within which a wireless facility is located. *(Amended 11/4/2013)*

Erect.

Build, construct, rebuild, or reconstruct, as the same are commonly defined.

Essential Site Improvements.

Any construction or reconstruction of site development feature required by local, state, or federal regulations, ordinances, or laws, such as underground drainage, off-street parking, driveways, retention areas or similar improvements required for the intended use of the site, which cannot be accommodated on the site without removal of regulated trees.

Evidentiary Hearing.

A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by a development regulation adopted under NCGS Chapter 160D. *(Amended 8/2/2021)*

Existing Land Use Conditions.

The land use conditions existing at the time the design plans are submitted for approval, including previously approved upstream developments.

Existing Manufactured Home Park or Manufactured Home Subdivision.

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before January 5, 2004, the effective date of the initial floodplain management regulations adopted by the Town. *(Amended 9/3/2019)*

Expansion to an Existing Manufactured Home Park or Subdivision.

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs).

Extraterritorial Jurisdiction.

The area beyond the corporate limits within which the planning and zoning regulations of the Town apply in accordance with state law. Such area is delineated on the official zoning map for the Town of Pembroke.

Fabrication.

The process and/or assemblage of various components into a complete or partially completed commodity. Fabrication relates to stamping, cutting or otherwise shaping the processed materials into useful objects. The refining aspects of manufacturing and other initial processing of basic raw material such as metal ores, lumber and rubber, etc., are excluded.

Fall Zone.

The area in which a wireless support structure may be expected to fall in the event of a structural failure, as measured by engineering standards. *(Amended 11/4/2013)*

Family.

An individual or two (2) or more persons related by blood to the third degree lineally or the fourth degree collaterally, marriage, or adoption living together in a dwelling unit; or a group of not more than four (4) persons, one (1) or more of whom is not related by blood as described above, marriage, or adoption to the other. A family may include five (5) or fewer foster children placed in a family foster home licensed by the State of North Carolina, and six (6) or fewer handicapped persons placed in a family care home licensed by the State of North Carolina.

Family Care Home.

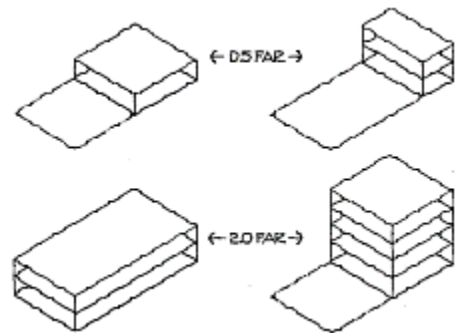
An adult care home having two to six residents. The structure of a family care home may be no more than two stories high and none of the aged or physically disabled persons being served there may be housed in the upper story without provision for two direct exterior ground level accesses to the upper story.

Farmers Market.

An establishment primarily engaged in the retail sale of fresh fruits and vegetables. Such uses are typically found in public or municipal markets.

FAR (Floor Area Ratio).

The maximum square foot amount of total floor area including all stories and all uses permitted for each square foot of land area.



Fence.

A continuous opaque or perforated barrier constructed of wood, stone, steel, or wire or other similar material. (Amended 9/2/2014)

Fence, Screen.

A continuous, opaque, unperforated barrier extending from the surface of the ground to a uniform height of six (6) feet constructed of wood, stone, steel or similar material. (Amended 9/2/2014)

Fence, Security.

A continuous barrier extending from the surface of the ground to a uniform height of six (6) feet constructed of wood, stone, steel, wire or other similar material.

Fill.

Any material used to raise the elevation of the surface of the land, excluding a grade base and paving.

Fine Arts.

Individual art pieces, not mass-produced, consisting of one or more of the following: paintings, drawings, etchings, sculptures, ceramics, inlays, needlework, knitting, weaving and/or craftwork of leather, wood, metal or glass.

Flea Market.

A commercial operation held on a regular periodic basis and patronized by individual entrepreneurs who transport a variety of merchandise to a common geographical area for the purpose of sale or trade to the general public. This definition does not include sporadic and infrequent yard sales held in residential areas.

Flood Damage Prevention Ordinance Definitions.

For the purposes of Article 20, Flood Damage Prevention, the following items, phrases, and words shall have the meaning herein:

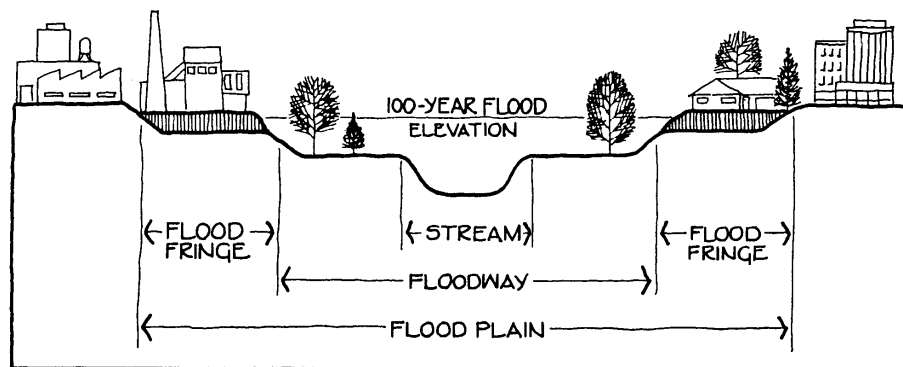
- (1) Accessory Structure (Appurtenant Structure). A structure, which is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports, and storage sheds are common urban accessory structures. Pole barns, hay sheds, and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.
- (2) Alteration of a Watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard, or change the direction and/or velocity of the riverine flow of water during conditions of the base flood. *(Amended 9/3/2019)*
- (3) Appeal. A request for a review of the floodplain administrator's interpretation of any provision of Article 20.
- (4) Area of Shallow Flooding. A designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. *(Amended 9/3/2019)*
- (5) Area of Special Flood Hazard. See "Special Flood Hazard Area (SFHA)."
- (6) Area of Future-Conditions Flood Hazard. The land area that would be inundated by the 1-percent-annual-chance (100-year) flood based on future-conditions hydrology. *(Amended 8/2/2021)*
- (7) Basement. Any area of the building having its floor subgrade (below ground level) on all sides.
- (8) Base Flood. The flood having a one (1) percent chance of being equaled or exceeded in any given year.

- (9) Base Flood Elevation (BFE). A determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a "Special Flood Hazard Area," it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the "Freeboard," establishes the "Regulatory Flood Protection Elevation." *(Amended 8/2/2021)*
- (10) Building. See "Structure."
- (11) Design Flood. See "Regulatory Flood Protection Elevation." *(Amended 9/3/2019)*
- (12) Development. Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
- (13) Development Activity. Any activity defined as Development which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures. *(Amended 9/3/2019)*
- (14) Digital Flood Insurance Rate Map (DFIRM). The digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated. *(Amended 9/3/2019)*
- (15) Elevated Building. A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns. *(Amended 8/2/2021)*
- (16) Encroachment. The advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
- (17) Existing Building and Existing Structure. Any building and/or structure for which the "start of construction" commenced before the effective date of the initial date of the floodplain management regulations adopted by a community, dated January 5, 2004. *(Amended 9/3/2019, 8/2/2021)*
- (18) Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:
- (a) the overflow of inland or tidal waters; and/or
 - (b) the unusual and rapid accumulation of runoff of surface waters from any source.

- (19) Flood Boundary and Floodway Map (FBFM). An official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).
- (20) Flood Hazard Boundary Map (FHBM). An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.
- (21) Flood Insurance. The insurance coverage provided under the National Flood Insurance Program.
- (22) Flood Insurance Rate Map (FIRM). An official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated. See also DFIRM. *(Amended 8/2/2021)*
- (23) Flood Insurance Study (FIS). An examination, evaluation, and determination of flood hazard areas, corresponding water surface elevations (if appropriate), flood insurance risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.
- (24) Flood Prone Area. See "Floodplain."
- (25) Floodplain or Flood Prone Area. Any land area susceptible to being inundated by water from any source.
- (26) Floodplain Administrator. The individual appointed to administer and enforce the floodplain management regulations.
- (27) Floodplain Development Permit. Any type of permit that is required in conformance with the provisions of this Ordinance, prior to the commencement of any development activity.
- (28) Floodplain Management. The operation of an overall program of corrective and preventative measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.
- (29) Floodplain Management Regulations. This Ordinance and other zoning ordinances, subdivision regulations, building codes, health, regulations, special purpose ordinances, and other applications of police power which control development in

flood-prone areas. This term describes federal, state, or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

- (30) **Floodproofing.** Any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitation facilities, or structures with their contents.
- (31) **Flood Resistant Material.** Any building product [material, component or system] capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials. *(Amended 9/3/2019)*
- (32) **Floodway.** The channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. *(Amended 9/3/2019)*



- (33) **Floodway Encroachment Analysis.** An engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and hydraulic models meeting the minimum requirements of the National Flood Insurance Program. *(Amended 9/3/2019, 8/12/2021)*

- (34) Flood Zone. A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.
- (35) Freeboard. The height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, precipitation exceeding the base flood, and the hydrological effect of urbanization of the watershed. The freeboard plus the Base Flood Elevation establishes the “Regulatory Flood Protection Elevation.”
(Amended 8/2/2021)
- (36) Highest Adjacent Grade. The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.
- (37) Letter of Map Change (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:
- (a) Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
 - (b) Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
 - (c) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
 - (d) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

- (38) Lowest Adjacent Grade. The lowest elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building. *(Amended 9/3/2019)*
- (39) Lowest Floor. The subfloor, top of slab or grade of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Article 16.
- (40) Map Repository. the location of the official flood hazard data to be applied for floodplain management. It is a central location in which flood data is stored and managed; in North Carolina, FEMA has recognized that the application of digital flood hazard data products have the same authority as hard copy products. Therefore, the NCEM's Floodplain Mapping Program websites house current and historical flood hazard data. For effective flood hazard data the NC FRIS website (<http://FRIS.NC.GOV/FRIS>) is the map repository, and for historical flood hazard data the FloodNC website (<http://FLOODNC.GOV/NCFLOOD>) is the map repository. *(Amended 8/2/2021)*
- (41) Market Value. The building value, excluding the land value and that of any accessory structures or other improvements on the lot, established by independent certified appraisal, replacement cost depreciated by age of building and quality of construction (Actual Cash Value), or adjusted tax assessed values.
- (42) Non-Conversion Agreement. A document stating that the owner will not convert or alter what has been constructed and approved. Violation of the agreement is considered a violation of the ordinance and, therefore, subject to the same enforcement procedures and penalties. The agreement must be filed with the recorded deed for the property. The agreement must show the clerk's or recorder's stamps and/or notations that the filing has been completed. *(Amended 8/2/2021)*
- (43) Non-Encroachment Area. The channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report. *(Amended 8/2/2021)*
- (44) Post-FIRM. Construction or other development for which the "start of construction" occurred on or after January 19, 2005, the effective date of the initial Flood Insurance Rate Map. *(Amended 9/3/2019)*

- (45) Pre-FIRM. Construction or other development for which started before the “start of construction” occurred before January 19, 2005, the effective date of the initial Flood Insurance Rate Map. *(Amended 9/3/2019)*
- (46) Principally Above Ground. At least 51% of the actual cash value of the structure is above ground.
- (47) Reference Level. The top of the lowest floor for structures within Special Flood Hazard Areas designated as Zones A, AE, AH, AO, or A99. *(Amended 9/3/2019)*
- (48) Regulatory Flood Protection Elevation. The “Base Flood Elevation” plus the “Freeboard.” In “Special Flood Hazard Areas” where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard. In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade. *(Amended 9/3/2019)*
- (49) Remedy a Violation. To bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the Ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.
- (50) Repetitive Loss. Flood-related damages sustained by a structure on two (2) separate occasions during any ten (10) year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.
- (51) Riverine. Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.)
- (52) Special Flood Hazard Area (SFHA). The land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year as determined in Article 20.
- (53) Structure. A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other manmade facilities or infrastructures.
- (54) Substantial Damage. Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. Substantial damage also means flood-related damages sustained by a structure on two (2) separate occasions during a ten

(10) year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred. See definition of “substantial improvement.” *(Amended 9/3/2019)*

(55) Substantial Improvement. Any combination of repairs, reconstruction, rehabilitation, addition, or improvement of a structure, taking place during any one-year period for which the cost equals or exceeds fifty percent (50%) of the market value of the structure, before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either: (a) any correction of existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or, (b) any alteration of a historic structure, provided that the alteration will not preclude the structure’s continued designation as a historic structure and the alteration is approved by variance issued pursuant to Section 20-3(E) of this Ordinance. *(Amended 9/3/2019)*

(56) Technical Bulletin and Technical Fact Sheet. A FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations. It should be noted that Technical Bulletins and Technical Fact Sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive State or local regulations apply to the building or site in question. All applicable standards of the State or local building code must also be met for any building in a flood hazard area.

(57) Variance. A grant of relief from the requirements of this Article.

(58) Violation. The failure of a structure or other development to be fully compliant with the town’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Article 20 is presumed to be in violation until such time as that documentation is provided.

- (59) Water Surface Elevation (WSE). The height, in relation to NAVD 1988, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.
- (60) Watercourse. A lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Floor.

The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Floor Area.

The total square footage on all floors within a building.

Floor Area, Gross.

The number of square feet of total floor area bounded by the exterior faces of a structure, plus the number of square feet of unenclosed space devoted to the conduct of the use, excluding basements and unenclosed porches, balconies, and terraces, unless used in conjunction with the use, such as for outdoor eating, merchandising, storage, assembly, or similar uses, and excluding off-street parking and loading areas.

Forestry.

A woodland area where all of the following occur:

- (1) the growing of trees;
- (2) the harvesting of timber, leaves, or seeds;
- (3) the regeneration of either timely replanting of trees or natural generation in accordance with a forest management plan acceptable to the Division of North Carolina Forest Resources;
- (4) the application of "Best Management Practices," including the NC Department of Environment and Natural Resources, "Forest Practice Guidelines Related to Water Quality," and all successor documents.

Frontage.

All property abutting on one side of a street measured along the street line.

Fuel Pump Island.

Any device or group of devices used for dispensing motor fuel or similar petroleum products to the general public.

Functionally Dependent Facility.

A facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or

passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

GS.

North Carolina General Statute.

Garage Apartment.

A detached accessory or subordinate building to an existing single-family dwelling containing living facilities for not more than one family and having sufficient enclosed area for at least one (1) parked automobile.

Garage, Private.

A building or space used as an accessory to or a part of the main building permitted in any residential district, that provides storage space for motor vehicles and in which no business, occupation or service for profit is in any way conducted.

Garage, Public.

Any building or premises, except those described as a private garage, used for the storage or care of motor vehicles, or where any such vehicles are equipped for operation, repaired, or kept for hire or sale.

Gate.

A door or other device attached to a fence which, when opened, provides a means of ingress and egress of persons and things for which it was intended, and which, when closed, forms a continuous barrier and screen as a part of the fence in which it is attached.

Gateway.

A primary means of access or entry. *(Amended 8/5/2019)*

Glare.

The sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility; blinding light. The magnitude of glare depends on factors such as the size, position, brightness of the source, and on the brightness level to which the eyes are adapted. *(Amended 11/2/2020)*

Governing Body.

The Town Council or County Board of Commissioners. The term is interchangeable with the terms "board of aldermen" and "town/city council" and shall mean any governing board without regard to the terminology employed in charters, local acts, other portions of the NC General Statutes, or local customary usage. *(Amended 8/2/2021)*

Government Offices and Buildings.

An office of a governmental unit or agency that provides administrative and/or direct services to the public such as, but not limited to, employment offices, public assistance offices, motor vehicle licensing, and registration services. *(Amended 2/7/2022)*

Governmental Body Wayfinding.

Architectural or design elements that aid orientation and identification of locations/destinations. *(Amended 8/5/2019)*

Governmental Campus.

The grounds of a governmental school, hospital, or institution landscaped property exceeding 100 acres in single ownership and including multiple structures. *(Amended 8/5/2019)*

Greenway.

A linear park network left in its natural state, except for the introduction of trails to be used by pedestrians and bicyclists.

Gross Site Area.

The total square footage of the proposed development as determined by actual on-site survey.

Guest Lodging.

A premises in which rooms are rented, with or without board, on a fee basis to permanent or transient guests; provided all accessory services, such as dining rooms, shall be available to such guests only, and not open to the general public.

Guideline.

An objective.

Habitable Floor.

Any floor for living purposes, which includes working, sleeping, eating, cooking, or recreation, or any combination thereof. A floor used only for storage is not a habitable floor.

Half Street.

A street whose centerline coincides with a subdivision plat boundary, with one-half (½) the street right-of-way width being contained within the subdivision plat. Also, any existing street to which the parcel of land to be subdivided abuts on only one side.

Halfway House.

A home for not more than nine (9) persons who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct, together with not more than two (2) persons providing supervision and other services to such persons, eleven (11) of whom live together as a single housing unit.

Handicapped Home.

A residence within a single dwelling unit for at least six (6) but not more than nine (9) persons who are physically or mentally handicapped, together with not more than two (2) persons providing care or assistance to such persons, all living together as a single housekeeping unit. Persons residing in such homes, including the aged and disabled, principally need residential care rather than medical treatment.

Handicapped Institution.

An institutional facility housing and providing care or assistance for more than nine persons who are physically or mentally handicapped or infirm. Persons residing in such homes, including the aged or disabled, principally need residential care rather than medical treatment.

Handicapped Person.

A person with a temporary or permanent physical, emotional or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments, but not including mentally ill persons who are dangerous to others as defined in GS Section 122C-3(11)b.

Hazardous Waste Management Facility.

A facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste as defined in NCGS Article 9 of Chapter 130A.

Health Spa.

A commercial enterprise, private club, or business established for the purpose of providing an indoor facility for physical exercise with the use of athletic equipment and accessory services. The term "health spa" includes private exercise clubs, figure salons, or health clubs.

Historic Area.

That area designated by the Town of Pembroke, and which is delineated upon a map adopted by the Town Council and on file at the Pembroke Town Clerk's Office.

Historic Structure.

Any structure that is:

- (1) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- (2) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program;" or
- (4) certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program."

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the NC Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

Home Care Unit.

A facility meeting all the requirements of the State of North Carolina for boarding and care of not more than five (5) persons who are not critically ill and do not need professional medical attention, to include homes for the aged.

Home for the Aged.

A boarding home with more than six (6) beds meeting all of the requirements of the State of North Carolina for the boarding and care of persons who are not critically ill and who do not need regular professional medical attention.

Home Occupation.

An incidental use of a dwelling unit for gainful employment involving the manufacture, provision, or sale of goods and/or services. The term “home occupation” shall not be deemed to include a tourist home.

Hotel (Motel, Inn).

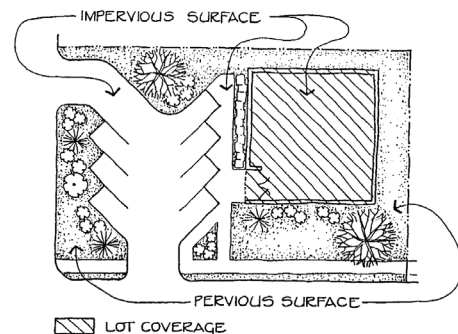
A building providing sleeping accommodations commonly available on a daily basis for pay to transient or permanent guests or tenants, in six (6) or more rooms. Dining rooms, restaurants or cafes, if existing, shall be conducted in the same building or buildings in connection therewith.

Ice Vending Machine.

An exterior freestanding, fully automated structure that delivers ice and filtered water to the customer through a self-service vending process. *(Amended 6/6/2016)*

Impervious Surface.

Any material that significantly reduces and prevents natural infiltration of water into the soil. Impervious surfaces include, but are not limited to, roof, patios, balconies, decks, streets, parking areas, driveways, sidewalks, and any concrete, stone, brick, asphalt, or compacted gravel surface.



Infiltration.

The passage or movement of water into the soil sub-surface.

Improved Landscape.

Gardens, parks, parking lots, or any other proposed outside improvements including any planned vegetation, public street furniture, masonry walls, fences, light fixtures, steps and pavements, or other appurtenant features.

Improvements.

The addition of any building, accessory building, parking area, loading area, fence, wall, hedge, lawn or mass planting (except to prevent soil erosion) to a lot or parcel of property.

Inspector.

The Building Inspector for the Town of Pembroke.

Intensive Livestock Operations.

Any enclosure, pen, feedlot, building, or group of buildings intended to be used or actually used to feed, confine, maintain or stable cattle, horses, sheep, goats, turkeys, chickens, swine, or any combination thereof, with at any time a total of 100 animal units or more present, where their dietary needs are met primarily by means other than grazing.

Intermediate Care Home.

A facility maintained for the purpose of providing accommodations for not more than seven (7) occupants needing medical care and supervision at a lower level than that provided in a nursing care institution but at a higher level than that provided in institutions for the handicapped or infirm.

Intermediate Care Institution.

An institution facility maintained for the purpose of providing accommodations for more than seven (7) persons needing medical care and supervision at a lower level than that provided in a nursing care institution but at a higher level than that provided in institutions for the handicapped or infirm.

Jail.

A municipal or county operated facility designed for the holding of individuals for trial, contempt, or punishment when the period is not to exceed one hundred and eighty (180) days.

Junk.

Pre-used or unusable metallic parts and other nonmetallic manufactured products that are worn, deteriorated or obsolete, making them unusable in their existing condition, but are subject to being dismantled and salvaged.

Junk Yard.

The use of more than six hundred (600) square feet of any lot or tract for the outdoor storage and/or sale of waste paper, rags, scrap metal, or other junk, and including storage of automobiles or other vehicles or dismantling of such vehicles or machinery or parts thereof.

Junked Vehicle.

A motor vehicle that (1) is partially dismantled or wrecked; (2) cannot be self-propelled or moved in the manner in which it was originally intended to move; (3) is more than five years old and appears to be worth less than \$100.00; or (4) does not display a current license plate when the motor vehicle is required by laws of this state to have such a license plate to operate on public roads, unless stored within an enclosed structure.

Kennel.

A commercial operation that: (a) provides food and shelter and care of animals for purposes not primarily related to medical care (a kennel may or may not be run by or associated with a veterinarian), or (b) engages in the breeding of animals for sale.

Land Area.

The total square footage within the development project property boundary of net buildable area.

Landowner.

The holder of the title in fee simple. Absent evidence to the contrary, the Town may rely on the county tax records to determine who is a landowner. The landowner may authorize a person holding a valid option, lease, or contract to purchase, to act as his or her agent or representative for the purpose of making applications for development approvals. *(Amended 8/2/2021)*

Landscaping.

Any activity that modifies the visible features of an area of land, including:

- (1) Living elements, such as flora and fauna; or what is commonly called gardening, the art and craft of growing plants with a goal of creating a beauty within the landscape.
- (2) Natural elements such as landforms, terrain shape and elevation, or bodies of water; and
- (3) Abstract elements such as the weather and lighting conditions.

Landscaping requires expertise in horticulture and artistic design. *(Amended 8/5/2019)*

Large Scale Zoning Amendment.

The rezoning of more than fifty (50) parcels. *(Amended 8/2/2021)*

Legislative Decision.

The adoption, amendment, or repeal of a regulation under NCGS Chapter 160D or an applicable local act. The term also includes the decision to approve, amend, or rescind a development agreement consistent with the provisions of NCGS Chapter 160D, Article 10. *(Amended 8/2/2021)*

Legislative Hearing.

A hearing to solicit public comment on a proposed legislative decision. *(Amended 8/2/2021)*

Levee.

A manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Level, Floor.

The bottom portion, inclusive of horizontal sills, of the first living floor of a structure intended for occupancy.

Light Duty Truck.

Any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

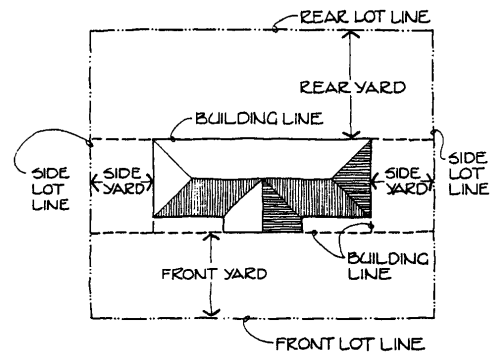
- (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- (2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (3) Available with special features enabling off-street or off-highway operation and use.
(Amended 9/3/2019)

Loading and Unloading Area.

That portion of the vehicle accommodation area used to satisfy the requirements of Article 17. It provides space for bulk pickups and deliveries, scaled to delivery vehicles and accessible to such vehicles at all times even when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

Lot.

Land area of defined boundaries in single ownership, set aside for separate use or occupancy, and recorded as such in the office of the Robeson County Register of Deeds.

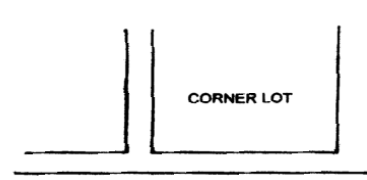
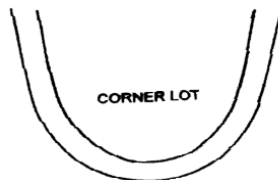


Lot, Area of.

The parcel of land enclosed within the boundaries formed by the property lines, plus one-half of any alley abutting the lot between the boundaries of the lot, if extended.

Lot, Corner.

A lot which occupies the interior angle at the intersection of two or more right-of-way lines. A lot abutting on the right-of-way of a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

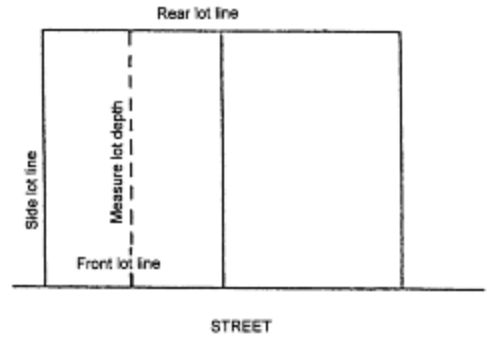


Lot Coverage, Maximum in Percent.

The maximum percent of the lot which may be covered with structures. All yard requirements must be met in addition to lot coverage requirements.

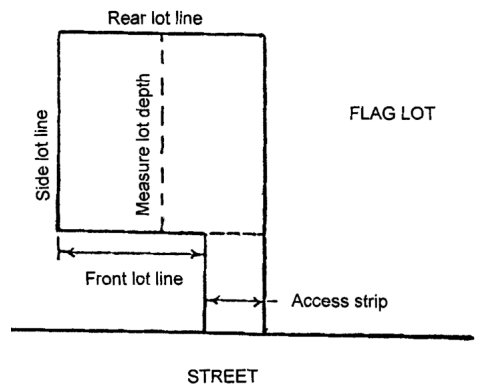
Lot, Depth.

The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear. On lots having an access strip extending from the front of the main portion of the lot in order to comply with the requirements of Article 11 of this Ordinance, the foremost points of the side lot lines shall be measured at the place where the access strip joins the main portion of the lot.



Lot, Flag.

Lots or parcels with less frontage on a public street than is normally required. The panhandle is an access corridor to lots or parcels located behind lots or parcels with normally required street frontage.



Lot, Interior.

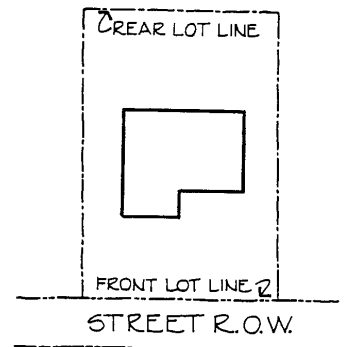
A lot other than a corner lot with only one frontage on a street.

Lot Line.

Any boundary of a parcel of land.

Lot Line, Front.

- (1) If a lot has one property line which is coterminous with a street right-of-way line, such line shall constitute the front lot line;
- (2) If a lot has two property lines which are also street right-of-way lines abutting different streets and those two (2) property (street right-of-way) lines form an angle between 80 degrees and 100 degrees, then the shorter of those two (2) lines shall constitute the front property line; if both lines are equal, the front property line shall be determined by the property owner if a front property line has not been designated on the final plat (minimum building lines are construed to designate the front lot line);
- (3) If a lot is not encompassed by provision (a) or (b) and no front property line is designated on the final plat, the front property line shall be designated by the Board of Adjustment.



Lot Line, Rear.

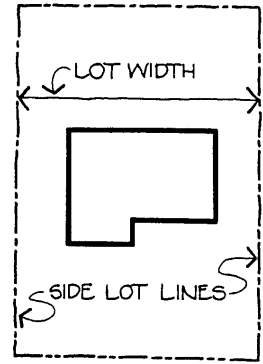
The property line(s) which is (are) opposite the front property line. If no property line is deemed to be opposite the front property line and no minimum building line exists on the final plat to establish a rear lot line, then there shall be no rear lot line; however, the rear yard setback shall be maintained from the point (apex) on the property's perimeter which is the furthest removed from the midpoint of the front line. The rear yard minimum building line shall be a line perpendicular to a straight line connecting said apex and the midpoint of the front lot line.

Lot Line, Side.

A boundary line which is not defined as front or rear lot line.

Lot, Nonconforming.

A lot or parcel of land that has less than the required minimum area or width as established by the zone in which it is located and provided that such lot or parcel was of record as a legally created lot on the effective date of this Ordinance.



Lot of Record.

A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds of Robeson County prior to the adoption of this Ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this Ordinance.

Lot, Reversed Frontage.

A lot on which the frontage is at right angles or approximately right angles (interior angles less than one hundred thirty-five [135] degrees) to the general pattern in the area. A reversed frontage lot may also be a corner lot, an interior lot, or a through lot.

Lot, Single-Tier.

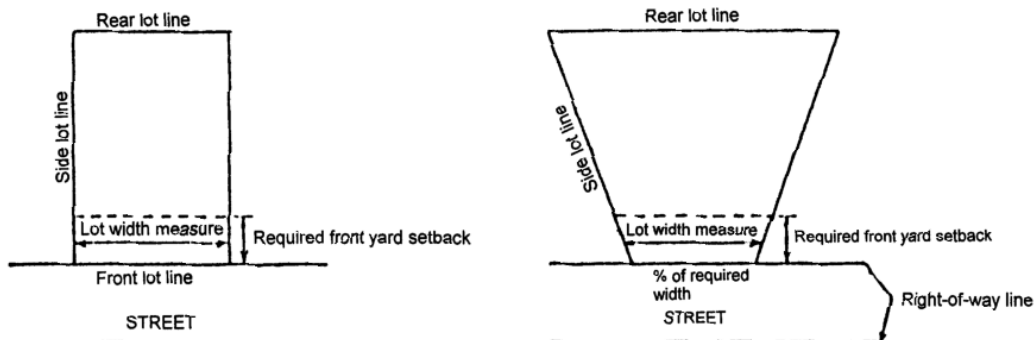
A lot which backs upon a limited access highway, a railroad, a physical barrier, or another type of land use and to which access from the rear is usually prohibited.

Lot, Through or Double Frontage.

A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

Lot Width.

The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided, however, that width between side lot lines at their foremost points (where they intersect the right-of-way line, or for lots having an access strip extending from the front of the main portion of the lot in order to comply with the requirements of Article 11 of this Ordinance, at the place where the access strip joins the main portion of the lot) shall not be less than eighty percent (80%) of the required lot width, except in the case of the turning circle of cul-de-sacs where the eighty percent (80%) requirement shall not apply.



Major and/or Multi-Unit Development.

Development consisting of:

- (1) structures on a tract of two [2] acres or more, or
- (2) nonresidential structures having a total floor area of ten thousand (10,000) square feet or more.

Manufactured Home.

A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

Manufactured Home (Mobile Home) Class A.

A double- or triple-wide manufactured home that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:

- (1) The home has a length not exceeding four times its width;
- (2) The pitch of the home’s roof has a minimum vertical rise of one foot for each five feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;
- (3) The exterior siding consists of wood, hardboard, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;
- (4) A continuous, permanent masonry foundation, unpierced except for required ventilation and access, is installed under the home; and
- (5) The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

Class A manufactured homes are permitted within the Town’s R-20 zoning district and are allowed in the R-8 zoning district with a special use permit. *(Amended 9/5/2023)*

Manufactured Home (Mobile Home) Class B.

A single-wide manufactured home that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy the criteria necessary to qualify the house as a Class A manufactured home. Class B manufactured homes are a permitted use within the Town’s R-20 district.

Manufactured Home (Mobile Home) Class C.

Any manufactured home that does not meet the definitional criteria of a Class A or Class B manufactured home. Class C manufactured homes are not permitted within Pembroke’s planning jurisdiction.

Manufactured Home Park or Subdivision.

A parcel, or contiguous parcels, of land divided into two (2) or more manufactured home lots for rent or sale.

Manufactured Home/Recreational Vehicle Space.

A plot of land within a MH/RV park designed for the accommodation of a single manufactured home/recreational vehicle in accordance with the requirements set forth in this section.

Manufactured Home/Recreational Vehicle Stand.

That portion of the manufactured home/recreational vehicle space designed for and used as the area occupied by the MH/RV proper.

Marina, Commercial.

Any waterfront structure or development commercially providing permanent or temporary harboring or storing for two (2) or more boats (pleasure and/or commercial) and providing marina sales including but not limited to retail sales for fuel, repairs, convenient foodstuffs, restaurants, boats, engines, and accessories.

Maturing Tree, Large.

Trees which are six (6) feet or more in height at the time of planting.

Maturing Tree, Small.

Trees which are three (3) feet or more in height at the time of planting.

Micro Wireless Facility.

A small wireless facility that is no larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, no longer than 11 inches. *(Amended 10/2/2017)*

Mixed Use.

A proposed development that includes primary non-residential and primary residential uses on the same development site. *(Amended 2/5/2018)*

Modular Home.

A factory-built structure that is designed to be used as a dwelling, is manufactured in accordance with the specifications for modular homes under the North Carolina State Residential Building Code, bears a seal or label issued by the Department of Insurance pursuant to GS 143-139.1, and is placed on a permanent foundation and used for residential purposes.

More Intensive Use.

A use that will have a greater impact on the surrounding area than the previous use, including activities which generate more traffic, require more employees or service deliveries, or utilize more square footage than the previous use existing on the site.

Motor Vehicle.

All machines designed or intended to travel over land or water by self-propulsion or while attached to any self-propelled vehicle.

Multifamily Development.

A single building on a single lot or tract containing more than two (2) dwelling units.

Natural Feature.

Any outside landscape feature on the site such as trees, shrubs, or rock formations.

Net Acreage, Acres, Land Area, Square Footage of Land Area.

Land area with streets, right-of-ways, driveways which serve as access to more than two (2) dwelling units or uses, and major transmission line easements not included in its measurement.

Net Buildable Area.

The total area within the project property boundary less:

- (1) all easement for storm drain or utilities;
- (2) highway and street rights-of-way;
- (3) sediment basins and water retention ponds;
- (4) wetlands, defined by CAMA and/or US Corps of Engineers;
- (5) water and wastewater treatment facilities;
- (6) local or state designated historic sites; and
- (7) water areas including seasonal ponds.

New Construction.

- (1) Any development occurring on property utilized for governmental, commercial, or residential subdivision purposes for which a building permit is required.
- (2) For floodplain management purposes, structures for which the “start of construction” commenced on or after January 5, 2004, the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures. *(Amended 9/3/2019)*

New Manufactured Home Park.

A manufactured home park for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs) is completed on or after October 21, 1996.

Nonconforming Building or Development.

Any legally existing building or development which fails to comply with the provisions of the Ordinance.

Nursing Home.

A facility, however named, which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for three or more persons unrelated to the licensee. A nursing home is a home for chronic or convalescent patients, who, on admission, are not as a rule, acutely ill and who do not usually require special facilities such as an operating room, X-ray facilities, laboratory facilities, and obstetrical facilities. A nursing home provides care for persons who have remedial ailments or other ailments, for which medical and nursing care are indicated; who, however, are not sick enough to require general hospital care. Nursing care is their primary need, but they will require continuing medical supervision.

Official Maps or Plans.

Any maps or plans officially adopted by the Pembroke Town Council.

Open Space.

An area (land and/or water) generally lacking in manmade structures and reserved for the enjoyment of residents of a Planned Unit Development, or other group project. Common open spaces may contain accessory structures, and improvements necessary or desirable for religious, education, non-commercial, recreational, or cultural uses.

OSR (Open Space Ratio).

The total square footage not covered by manmade structures.

Outparcels.

A separate building(s) or structure(s) not physically connected to the principal building. *(Amended 4/2/2018)*

Overhead Canopy.

Any structure placed over, around, or near a fuel pump island, drive-up bank teller facility, or similar use, and intended to provide lighting and/or protection from the elements for facility users.

“Park Model” Recreational Vehicle.

A manufactured home typically built-in accordance with the construction requirements of HUD National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §5401, et seq. but because of their limited size they are not required to be labeled by the HUD manufacturing housing program. Since these park model type units are not under the jurisdiction of the HUD program, they are labeled and sold as recreational vehicles.

Parking Area, Aisles.

A portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.

Parking Facility.

Any area, either open or enclosed, structural or natural, for the storage of a vehicle or vehicles. Each parking facility shall have an approved means of ingress and egress. A parking lot is a subclassification of a parking facility.

Parking Lot.

An open area, outside of the public right-of-way, for the storage of a vehicle or vehicles. The term “parking area” shall be included in this definition. Each parking lot shall have an approved means of ingress and egress.

Parking Space, Off Street.

For the purpose of this Ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. No required off-street parking shall be located on any public right-of-way.

Patio Home.

A single-family detached or semi-detached unit built on a small lot which may be enclosed by walls which provide privacy.

Perimeter Landscape Strip.

A planted strip of land having a minimum width of five feet adjacent to and encircling a parking facility.

Person.

Any individual, partnership, firm, association, joint venture, public or private corporation, trust estate, commission, board, public or private institution, utility, cooperative, interstate body, the State of North Carolina and its agencies and political subdivisions, or other legal entity. *(Amended 8/2/2021)*

Personal Property.

Property owned, utilized, and maintained by an individual or members of his or her residence, and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

Planning Board.

A commission appointed by the Town Council and by the Robeson County Board of Commissioners for the following purposes:

- (1) to develop and recommend long-range development plans and policies;
- (2) to advise the Town Council in matters pertaining to current physical development and zoning for the town's planning jurisdiction.

Planting Strip or Area.

A ground surface free of concrete, asphalt, stone, gravel, brick, or other paving material, aside from walkways, which is required or used for landscaping purposes.

Plat.

A map or plan of a parcel of land which is to be, or has been, subdivided.

Predevelopment.

The conditions that existed prior to the proposed project, site plan, or subdivision being in place.

Principal Building, Use or Structure.

The main use of a lot or the building or structure in or on which the main use of the lot takes place.

Private Driveway.

A roadway serving two or fewer lots, building sites, or other division of land, and not intended to be public ingress or egress.

Private Street.

An undedicated private right-of-way which affords access to abutting properties and requires a subdivision streets disclosure statement in accordance with GS 136-102.6.

Processing.

Any operation changing the nature of material or material's chemical composition or physical properties; does not include operations described as fabrication.

Property.

All real property subject to land use regulation by the Town. The term includes any improvements or structures customarily regulated as part of real property. *(Amended 8/2/2021)*

Property Clearing.

The removal of regulated trees from undeveloped property for the purpose of timber sales, value enhancement, or other non-developmental purposes.

Pruning Standards.

Generally accepted standards for pruning as defined in the current edition of Pruning Standards by the American Society of Consulting Arborists.

Public Safety and/or Nuisance.

Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or a river, bay, stream, canal, or basin.

Public Sewage Disposal System.

A system serving two (2) or more dwelling units and approved by the Robeson County Health Department and the North Carolina Department of Environment and Natural Resources, Environmental Management Division.

Public Water Supply System.

Any supply furnishing potable (drinkable) water for ten or more residences or businesses or a combination of residences and businesses. Approval by the Sanitary Engineering Division, State Board of Health, Department of Human Resources, is required.

Quasi-Judicial Decisions.

A decision involving the finding of facts regarding a specific application of a development regulation and that request the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board. *(Amended 8/2/2021)*

Recreation Area or Park.

An area of land or combination of land and water resources that is developed for active and/or passive recreation pursuits with various man-made features that accommodate such activities.

Recreational Vehicle.

A vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; (d) not designed for use as a permanent primary dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use; and (e) is fully licensed and ready for highway use. *(Amended 9/3/2019)*

Recreational Vehicle Parks.

Any single parcel of land upon which two (2) or more recreational vehicles, occupied for sleeping purposes, are located regardless of whether or not a charge is made for such purposes. Recreational Vehicle Parks are referred to in this Ordinance as "RV Park(s)."

Redevelopment.

Renovation of an existing structure or structures which totals at least 60 percent of the original structure.

Register of Deeds.

The Robeson County Register of Deeds.

Regulated Tree.

The subsurface roots, crown, and trunk of:

- (1) Any self-supporting woody perennial plant such as a large shade or pine tree, which usually has one main stem or trunk, and has a measured caliper as follows:
 - (a) hardwood tree - eight (8) inches, such as oak, maple, etc.
 - (b) pine tree - twelve (12) inches, such as a long leaf pine
- (2) Any small flowering tree, such as dogwood, with a measured caliper of at least four (4) inches.
- (3) Any tree having several stems or trunks, such as crepe myrtle, and at least one defined stem or trunk with a measured caliper or at least two (2) inches.

Rehabilitation.

Returning a property to a state of utility, through repair or alteration, which makes possible an efficient use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.

Rehabilitation Facility.

A residential (provision of living quarters for seven (7) or more residents) or nonresidential facility utilized by participants in programs providing guidance, counseling or therapy. This definition does not include a facility providing rehabilitation services to psychotics, severely mentally handicapped individuals or persons who have demonstrated a known pattern of violence (this criterion does not exclude those convicted of violent offenses per se, only those whose behavior patterns are such that they may frequently resort to violence).

Remove (Including Removing and Removal).

The cutting down of any live or dead regulated tree and all other acts which cause the death or destruction of any regulated tree.

Reservation.

A reservation of land does not involve any transfer of property rights. It simply constitutes an obligation to keep property free from development for a stated period of time.

Residential Care.

Establishments primarily engaged in the provision of residential, social, and personal care for children, the aged, and special categories of persons with some limits on ability for self-care, but where medical care is not a major element; such as adult day care facility, home for the aged and infirm, and other similar residential care uses not otherwise defined in this section.

Residential Hotel.

A building or group of buildings providing lodging for persons, with or without meals, and intended and use for the accommodation of transient lodgers in suites designed in such a fashion that reflects the intended use for transient lodgers and not for permanent residential accommodation. Suites may have one or more rooms in addition to bathrooms, water closet compartments, laundry, pantry, foyer, communicating corridor, closets, or any dining alcove. Kitchen area separate from the living or sleeping areas shall be provided and cooking may be done only in the kitchen area. The definition of residential hotels shall not include housing units defined in this section, but may include services ordinarily provided by hotels, such as maid, desk, and laundry services.

Restaurant.

An establishment where food and/or beverages are prepared, served, and consumed, and whose design and principal method of operation determines its classification as follows:

- (1) Standard: (1) Customers are normally provided with an individual menu and served their food and beverages by a restaurant employee at the same table or counter where the items are consumed; or (2) a cafeteria-type operation where food and beverages generally are consumed within the restaurant building. Establishments

which occasionally serve food to events such as weddings, social gatherings, or entertainment are not considered restaurants. *(Amended 4/3/2017)*

- (2) Carry-out: (1) Foods and/or beverages are usually served in edible containers or in paper, plastic, or other disposable containers by an employee at a standing counter or drive-in window; and (2) consumption is normally off the premises, but may be allowed within a motor vehicle parked on the premises, or at other facilities on the premises outside the principal building.
- (3) Fast Food: Same as “carry-out,” but includes allowing consumption within the principal building.

Retail.

Sale of a commodity, [the sale being] to the ultimate consumer and [the commodity being] not customarily subject to sale again.

Retention Pond Facilities.

A permanent structure that provides for the storage of runoff and is designed to maintain a permanent pool of water.

Right-of-Way.

A strip of land, owned publicly or privately, which affords the principal means of access to abutting property.

Roof Line.

The top edge of the roof or the top edge of the parapet, whichever forms the top line of the building silhouette, but not including penthouses or equipment structures.

Sales Office, Off Premises (Branch).

In addition to maintaining inventories of goods; physically assembling, sorting, and grading goods in large lots; breaking bulk; delivery; and various types of promotion, such as advertising, a wholesaler or distributor may establish offices and other supportive areas for the use of personnel primarily employed for off-premises sales and other administrative or managerial needs. On-premises retail sales as the principal use are not included in this classification. Off-street parking for this portion of the building shall be calculated independently of any other use of the same structure.

Sales Office, Temporary.

An office established within the boundaries of a subdivision or development which is used for the promotion and sales of real property solely within that subdivision or development.

Salvage Operation or Yard.

Any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances, and related machinery.

School.

Any public or private institution for the teaching of children.

Screening.

The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, vegetation, or other natural or man-made visual barriers.

Search Ring.

The area within which a wireless support facility or wireless facility must be located in order to meet service objectives of the wireless service provider using the wireless facility or wireless support structure. *(Amended 11/4/2013)*

Service Station.

A building or lot dedicated to the rendering of services such as the sale of gasoline, oil, grease, and accessories and the minor repair of automobiles, excluding body work, overhauling, and painting.

Setback.

The minimum required distance existing between the abutting street right-of-way line (if no street right-of-way line is involved, the subject property line) and the minimum building line as specified in Article 11, "Table of Area, Yard, Height, and Lot Coverage Requirements."

Shielded Fixture.

Outdoor light fixtures shielded or constructed so that light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted, i.e., a shoebox-type fixture or a cutoff fixture as defined by the Illuminating Engineering Society of North America. The fixtures almost always have a flat, horizontally oriented lens and opaque (usually metal) sides. A luminaire mounted in a recessed fashion under a canopy or other structure so that the surrounding structure effectively shields the light in the same manner is also considered fully shielded for the purposes of this UDO. *(Amended 11/2/2020)*

Shopping Center, Major.

Two or more commercial establishments, planned and constructed, as a single unit with off-street parking and loading facilities provided on the property with a total building area of twenty-five thousand (25,000) square feet or greater.

Shopping Center, Minor.

Two or more commercial establishments, planned and constructed, as a single unit with off-street parking and loading facilities provided on the property with a total building area less than twenty-five thousand (25,000) square feet.

SIC Manual, Standard Industrial Classification Manual.

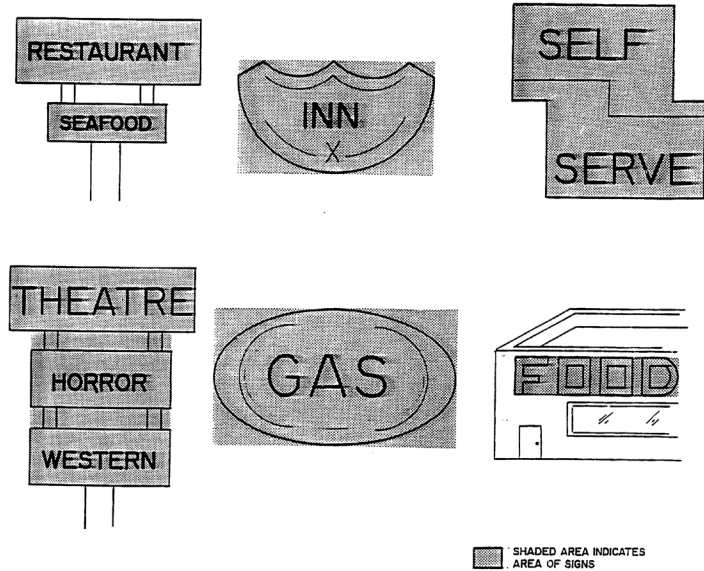
A book put out by the federal government which classifies establishments by the type of activity in which they are engaged. Uses listed in this chapter are classified according to SIC groupings.

Sign.

Any words, lettering, parts of letters, pictures, figures, numerals, phrases, sentences, emblems, devices, design, trade names or trademarks by which anything is made known, such as the designation of an individual, firm, association, profession, business commodity or product, which are visible from any public way and used to attract attention.

Sign, Area.

The surface area of a sign shall be computed as including the entire area visible from any one point, within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign including lattice work, wall work, and individual letters and spaces between letters comprising part(s) of the sign. Computations of sign area shall include only one side of a double-faced sign structure. If a sign has two sides joined at an angle of greater than 60°, the surface of both sides of the sign shall be included in the computation of area.



Sign, Business Identification.

Any sign which advertises an establishment, service, commodity or activity conducted upon the premises where such sign is located.

Sign, LED Lighting.

LEDs, or light-emitting diodes, are semiconductor devices that produce visible light when an electrical current pass through them. LEDs are a type of Solid-State Lighting (SSL), as are organic light-emitting diodes (OLEDs) and light-emitting polymers (LEPs). (Amended 6/26/2017)

Sign, Freestanding.

A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure having a principal function other than the support of a sign. A sign that stands without supporting elements, such as a “sandwich sign,” is also a freestanding sign.



Sign, Monument.

Any sign with the base of the sign permanently attached to the ground and not attached to any building or pole(s) advertising a single use or multiple uses. The design of the monument sign is to advertise single or multiple offerings in the building, group of buildings, or development area. Individual business within multi-tenant facilities are not permitted freestanding signs and shall have their signage located on a monument sign. (Amended 6/4/2018)

Sign, Off-Premises.

A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold, or offered at a location other than the premises on which the sign is located.

Sign, Portable.

Any sign not exceeding fifty (50) square feet in billboard area and not permanently attached to the property on which it is located.

Sign, Temporary.

A display, informational sign, banner, or other advertising device constructed of cloth, canvas, fabric, wood, or other temporary material, with or without a structural frame (including banners), and intended for a limited period of display, including decorative displays for holidays or public demonstrations. A sign that is used in connection with a circumstance, situation, or event that is designed, intended, or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, or is intended to remain on the location where it is erected or placed for a period of not more than fifteen (15) calendar days prior to and/or following the associated circumstance, situation, or event. *(Amended 1/4/2016)*

Sign, Wind.

Signs composed of nylon, canvas, or plastic material which are decorative and do not contain commercial advertising or logos. These signs may include windsocks, wind vanes, banners, pennants, and flags.

Site Development Plan. A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review. A site plan approval based solely upon application of objective standards is an administrative decision and a site plan approval based in whole or in part upon the application of standards involving judgment and discretion is a quasi-judicial decision. A site plan may also be approved as part of a conditional zoning decision. *(Amended 8/2/2021)*

Site Plan, Major. All site plans not meeting the requirements for a minor site plan. *(Amended 3/5/2018)*

Site Plan, Minor. Includes the following:

- (1) Replacement of building(s) on the original building(s) footprint without any other site plan revisions and which also complies with items (3) through (9), if applicable.
- (2) Buildings or additions with an aggregate enclosed square footage of less than 2,000 square feet.
- (3) Buildings or additions involving land disturbance of less than one (1) acre.

- (4) Multi-family development involving fewer than ten (10) dwelling units;
- (5) Parking lot expansions which comply with this Ordinance with no increase in enclosed floor area;
- (6) Revision to landscaping, signage, or lighting which comply with the requirements of this Ordinance;
- (7) Accessory uses which comply with the requirements of this Ordinance;
- (8) Site plans which do not require a variance or modification of the requirements of this Ordinance, and otherwise comply with this Ordinance; and
- (9) Site plans which do not require easement dedication or street construction. *(Amended 3/5/2018)*

Site Specific Development Plan.

A plan of development submitted to the Town to obtain one of the following zoning or land use permits or approvals:

- (1) Final Subdivision Plat,
- (2) Special Use Permit, or
- (3) Conditional Zoning District. *(Amended 8/2/2021)*

Notwithstanding the foregoing, a document that fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property shall not constitute a site-specific development plan.

Skirting.

A continuous, uniform foundation enclosure constructed of vinyl, or metal fabricated for such purpose and that is unpierced except for required ventilation or access.

Small Wireless Facility.

A wireless facility that meets both of the following qualifications:

- (1) Each antenna is located inside an enclosure of no more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements, if enclosed, could fit within an enclosure of no more than six (6) cubic feet.
- (2) All other wireless equipment associated with the facility has a cumulative volume of no more than twenty-eight (28) cubic feet. For purposes of this subdivision, the following types of ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cut-off switches, vertical cable runs for the connection of power and other services, or other support structures. *(Amended 10/2/2017)*

Smoke Shop and Tobacco Store.

Any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, or tobacco paraphernalia; provided, however, that any grocery store, supermarket, convenience store or similar retail use that only sells conventional cigars, cigarettes, or tobacco as an ancillary sale shall not be defined as a "smoke shop and tobacco store" and shall not be subject to the restrictions of this Ordinance. *(Amended 9/4/2018)*

Solar Collector (Accessory).

Any solar device that absorbs and accumulates solar radiation for use as a source of energy. The device may be roof-mounted or ground-mounted as an accessory use. *(Amended 8/2/2021)*

Solar Energy.

Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector. *(Amended 8/2/2021)*

Solar Energy System.

A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generating, or water heating. Solar energy systems may include, but not be limited to, solar farms and any of several devices that absorb and collect solar radiation for use as a source of energy as an accessory use. *(Amended 8/2/2021)*

Solar Farm.

An area of land designated for use for the sole purpose of deploying photovoltaic power and generating electric energy. *(Amended 8/2/2021)*

Solid Waste Disposal Facility.

Any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

Solid Waste Disposal Site.

Any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

Special Congregate Facilities.

Congregate facilities characterized by a clientele composed of persons who do not possess personal automobiles to assist them in their daily transportation throughout the Town and its vicinity. Such facilities may include indigent care, shelter, and housing facilities, hotels, and other similar facilities.

Special Events.

Circuses, fairs, carnivals, festivals, or other types of special events that (i) run for longer than two (2) days but not longer than fourteen (14) days, (ii) are intended to or likely to attract substantial crowds, and (iii) are unlike the customary or usual activities generally associated with the property where the special event is to be located. Commodity sales may be conducted only as an accessory to the special event. The annual Lumbee Homecoming event, conducted by the Lumbee Regional Development Corporation, is exempt from this definition. *(Amended 4/3/2017)*

Special Use.

A use permitted in a particular zoning district by the Town Council after having held a public hearing and determined that the use in a specified location complies with certain findings of fact as specified in this Ordinance. *(Amended 8/2/2021)*

Special Use Permit.

A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. The term includes permits previously referred to as conditional use permits or special exceptions. *(Amended 8/2/2021)*

Spot Zoning.

The zoning of a relatively small area of land differently from the way the majority of the surrounding land is zoned. Spot zoning is legal only if the government establishes that it is reasonable. Reasonableness is determined by considering the size of the area; any special conditions or factors regarding the area; the consistency of the zoning with the land use plan; the degree of change in the zoning; the degree it allows uses different from the surrounding area; and the relative benefits and detriments for the owner, the neighbors, and the surrounding community. The Town of Pembroke should consider the following factors in deliberating any potential spot zoning:

- (1) The Size and Nature of the Tract. The larger the area of spot zoning the more likely it is to be reasonable. Singling out an individual lot for special zoning treatment is more suspect than creating a zoning district that involves multiple parcels and owners. Special site characteristics, such as topography, availability of utilities, or access to rail or highways, can be important in this analysis.
- (2) Compatibility with Existing Plans. If a clear public policy rationale for the different zoning treatment is set out in the local government's adopted plans, that evidences a public purpose for the zoning. By contrast, a zoning action that is inconsistent with a plan may indicate special treatment that is contrary to the public interest and thus be unreasonable.
- (3) The Impact of the Zoning Decision on the Landowner, the Immediate Neighbors, and the Surrounding Community. An action that is of great benefit to the owner and only a mild inconvenience for the neighbors may be reasonable, while a zoning decision that significantly harms the neighbors while only modestly benefitting the owner would be unreasonable.
- (4) The Relationship between the Newly Allowed Uses in a Spot Rezoning and the Previously Allowed Uses. The degree of difference in the existing surrounding land uses and the proposed new use is also important. The greater the difference in allowed uses, the more likely the rezoning will be found unreasonable. For example, in an area previously zoned for residential uses, allowing slightly higher residential density may be reasonable while allowing industrial uses would be unreasonable.

- (5) Ownership. In order to constitute spot zoning, the area to be rezoned must be owned by a single owner. *(Amended 1/4/2016)*

Standard.

A mandatory requirement.

Standing.

The following persons shall have standing to file an appeal:

- (1) Any person possessing any of the following criteria:
 - (a) An ownership interest in the property that is the subject of the decision being appealed, a leasehold interest in the property that is the subject of the decision being appealed, or an interest created by easement, restrictions, or covenant in the property that is the subject of the decision being appealed.
 - (b) An option or contract to purchase the property that is the subject of the decision being appealed.
 - (c) An applicant before the decision-making board whose decision is being appealed.
- (2) Any other person who will suffer special damages as the result of the decision being appealed.
- (3) An incorporated or unincorporated association to which owners or lessees of property in a designated area belong by virtue of their owning or leasing property in that area, or an association otherwise organized to protect and foster the interest of the particular neighborhood or local area, so long as at least one of the members of the association would have standing as an individual to challenge the decision being appealed, and the association was not created in response to the particular development or issue that is the subject of the appeal.
- (4) A local government whose decision-making board has made a decision that the Town Council believes improperly grants a variance from or is otherwise inconsistent with the property interpretation of a development regulation adopted by that Board.
(Amended 8/2/2021)

Start of Construction.

The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of piles, construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include

land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

Storage.

A deposition of commodities or items for the purpose of future use or safekeeping.

Storage, Open.

The keeping of any goods, junk, material, merchandise, or vehicles in the same place (yard) for a period of more than 24 hours in an unroofed area or any type of shed which does not have four sides.

Storage, Self-Service.

A building consisting of individual, small, self-contained units that are leased or owned for the storage of goods and wares.

Story.

That portion of a building between the surface of any floor and the floor or roof above it. The following are considered stories:

- (1) Mezzanine, if it extends one-third of the total floor area of the story immediately below it;
- (2) Penthouse, if it exceeds one-third of the total area of the roof;
- (3) Basement, if subdivided and used for dwelling or business purposes.

Street.

A public thoroughfare which affords access to abutting property and is recorded as such in the office of the Robeson County Register of Deeds. The following classifications apply:

- (1) Superhighway. Major thoroughfares consisting of interstates, freeways, expressways, or parkway links that are characterized by limited access control.
- (2) Major Arterial. A major street in the Town's street system that serves as an avenue for the circulation of traffic into, out, or around the Town and carries high volumes of traffic. It is designed to carry more than twelve thousand (12,000) but less than twenty-four thousand (24,000) trips per day.
- (3) Minor Arterial. A major street in the Town's street system that serves as an avenue for the circulation of traffic into, out, or around the Town and carries high volumes of traffic. It is designed to carry more than five thousand (5,000) but less than twelve thousand (12,000) trips per day.

- (4) Collector. A street whose principal function is to carry traffic between minor, local, and subcollector streets and arterial streets but that may also provide direct access to abutting properties. It is designed to carry more than two thousand five hundred (2,500) but less than five thousand (5,000) trips per day. Typically, a collector is able to serve, directly or indirectly, between two hundred and fifty (250) and five hundred (500) dwelling units.
- (5) Subcollector. A street whose principal functions are both to carry traffic between minor and local streets and collectors, or to join two collectors, or a collector and an arterial, and to serve abutting properties. It is designed to carry more than five hundred (500) but less than two thousand five hundred (2,500) trips per day. Typically, a subcollector is able to serve, directly or indirectly, between fifty (50) and two hundred fifty (250) dwelling units.
- (6) Local Road. A street whose sole function is to provide access to abutting properties. It is designed to carry more than one hundred fifty (150) but less than five hundred (500) trips per day. Typically, a local road is able to serve, directly or indirectly, between fifteen (15) and fifty (50) dwelling units.
- (7) Minor Street. A street whose sole function is to provide access to abutting properties. It is designed to carry one hundred fifty (150) or less trips per day. Typically, a minor street serves fifteen (15) or fewer dwelling units.
- (8) Alley. A strip of land, owned publicly or privately, set aside primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

Street Line.

The right-of-way boundary of a street.

Street Yard.

The area of a parcel immediately adjacent to a street right-of-way and reserved for planting. Street yards must be at least eight (8) feet in width, extend along the entire length of the adjacent street right-of-way, and meet the requirements contained in Article 11 of this Ordinance.

Structure.

Anything constructed, placed, or erected, the use of which requires location on the land, or attachment to something having a permanent location on the land. Among other things, structures include buildings, manufactured homes, fences, signs, swimming pools, and tennis courts. *(Amended 8/2/2021)*

Subdivider.

Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

Subdivision.

All divisions of a tract or parcel of land into two (2) or more lots, building sites or other divisions when one or more of those divisions is created for the purpose, whether immediate or future, of sale or building development, and all divisions of land involving the dedication of a new street or a change in existing streets; provided, however, that the following shall not be included within this definition and are not subject to any regulations enacted pursuant to this Ordinance:

- (1) the combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards contained herein;
- (2) the division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;
- (3) the public acquisition by purchase of strips of land for the widening or openings of streets or for public transportation system corridors;
- (4) the division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards contained in Article 11 of this Ordinance.
- (5) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the NC General Statutes. *(Amended 8/5/2019)*

Subdivision, Family.

A subdivision containing no more than eight lots for the purpose of conveying the resulting parcels or lots to a grantee or grantees who are in any degree of lineal kinship to the grantor, or to a grantee or grantees who are within three degrees of collateral kinship to the grantor. Degrees of kinship shall be computed in accordance with NCGS Section 104A-1. Lots can be conveyed as a gift, as settlement of the property owner's estate, or for a nominal consideration. This term also includes the conveyance of a lot or tract for the purpose of dividing lands among the tenants in common, all of whom, by intestacy or by will, inherited the land from a common ancestor. *(Amended 6/1/2015)*

Subdivision, Major.

All subdivisions shall be considered major subdivision except those defined as minor subdivisions.

Subdivision, Minor.

A minor subdivision is a tract to be subdivided which is a cemetery or five (5) acres or less in size, and five or fewer lots result after subdivision *(Amended 9/2/2014):*

- (1) all of which front on an existing approved street;
- (2) not involving any new public streets, right-of-way dedication, or prospectively requiring any new street for access to interior property;
- (3) not requiring drainage improvements or easements to serve the applicant's property or interior properties;
- (4) not involving any utility extensions; and
- (5) not requiring any easements, other than rear and side lot line easements.

Substantial Modification.

The mounting of a proposed wireless facility on a wireless support structure that substantially changes the physical dimensions of the support structure. A mounting is presumed to be a substantial modification if it meets any one or more of the criteria listed below. The burden is on the local government to demonstrate that a mounting that does not meet the listed criteria constitutes a substantial change to the physical dimensions of the wireless support structure. *(Amended 11/4/2013)*

- (1) Increasing the existing vertical height of the structure by the greater of (i) more than ten percent (10%) or (ii) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet.
- (2) Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of (i) more than 20 feet or (ii) more than the width of the wireless support structure at the level of the appurtenance.
- (3) Increasing the square footage of the existing equipment compound by more than 2,500 square feet.

Substantially Improved Existing Manufactured Home Park.

Repair, reconstruction, rehabilitation, or improvement of the streets, utilities, and pads which equals or exceeds 50 percent of the value of the streets, utilities, and pads before the repair, construction, or improvement commenced.

Telecommunication Tower.

A tower facility, including, but not limited to, radio and television transmission towers or similar utilities, microwave towers, and mobile telephone or radio towers. This term shall not include radio transmission facilities for use by ham radio operators or two-way local radio facilities for business or governmental purposes that are under 100 feet in height and that, at a height of fifty feet above the base, have a maximum horizontal measurement of eighteen inches nor shall it include any tower erected by a public authority for public safety or emergency service communication purposes.

Telecommunications Facility.

A communications tower or antenna and any associated accessory structures and equipment.

Telephone Communication Facility, Unattended.

A windowless structure containing electronic telephone equipment that does not require regular employee attendance for operating.

Temperature Controlled. Having the temperature regulated by a heating and/or cooling system, built-in or appliance. *(Amended 9/3/2019)*

Temporary Health Care Structure.

The following definitions shall apply:

- (1) Activities of Daily Living. Bathing, dressing, personal hygiene, ambulation, or locomotion, transferring, toileting, and eating.
- (2) Caregiver. An individual 18 years of age or older who (i) provides care for a mentally or physically impaired person and (ii) is a first or second degree relative of the mentally or physically impaired person for whom the individual is caring.
- (3) First or Second Degree Relative. A spouse, lineal ascendant, lineal descendant, sibling, uncle, aunt, nephew, or niece and includes half, step, and in-law relationships.
- (4) Mentally or Physically Impaired Person. A person who is a resident of this State and who requires assistance with two or more activities of daily living as certified in writing by a physician licensed to practice in this State.
- (5) Temporary Family Health Care Structure. A transportable residential structure, providing an environmental facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the State Building Code and NCGS 143-139.1(b). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted. *(Amended 8/2/2021)*

Temporary Uses.

Any use intended for temporary and limited duration, operated as an accessory to a principal use. The maximum frequency of such temporary use shall not exceed two (2) occurrences within any twelve-month period and the maximum duration of such temporary use shall be seven (7) days. For purposes of this definition, the duration of each separate occurrence shall be measured on continuous days. Such use shall be subject to applicable location, setback, parking, land use and other standards for the district. Christmas tree sales, fireworks sales, carnivals and nonprofit organizations are exempt from the frequency and duration provisions of this Ordinance. Temporary uses shall be exempt from the vegetation and parking lot surface improvement standards, provided however, where the director of planning due to extended duration or frequency of operation finds that the use requirements shall apply. No temporary use may omit any noise, odors, dust, fumes, glare, or vibration or cause traffic or other safety issues that could be detrimental to adjoining properties or surrounding areas.

Thoroughfare Plan.

The official major thoroughfare plan of Pembroke, North Carolina, as adopted by the Pembroke Planning Board and the North Carolina Department of Transportation.

Tobacco.

Any preparation of the nicotine-rich leaves of the tobacco plant, which are cured by a process of drying and fermentation for use in smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any other means into the body. *(Amended 9/4/2018)*

Tobacco Paraphernalia.

Any paraphernalia, equipment, device, or instrument that is primarily designed or manufactured for the smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any other means into the body of tobacco, tobacco products, or other controlled substances as may be defined in the North Carolina General Statutes. Items or devices classified as tobacco paraphernalia include but are not limited to the following: pipes, punctured metal bowls, bong, water bong, electric pipes, e-cigarettes, e-cigarette juice, buzz bombs, vaporizers, hookahs, and devices for holding burning material. Lighters and matches shall be excluded from the definition of tobacco paraphernalia. *(Amended 9/4/2018)*

Tobacco Product.

Any product in leaf, flake, plug, liquid, or any other form, containing nicotine derived from the tobacco plant, or otherwise derived, which is intended to enable human consumption of the tobacco or nicotine in the product, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means. For the purposes of this Ordinance, the term "tobacco product" excludes any product that has been specifically approved by the United States Food and Drug Administration (FDA) for sale as a tobacco/smoking cessation product or for other medical purposes, where such product is marketed and sold solely for such an approved purpose. *(Amended 9/4/2018)*

Tower.

Any structure whose principal function is to support antenna.

Towing Service, Automotive or Truck.

A commercial enterprise, business or company established to tow or remove motor vehicles from one location to another. A towing service includes the temporary storage of motor vehicles at its site, but under no circumstances shall any motor vehicle remain on the premises of a towing service for more than twenty-four (24) hours unless stored within an enclosed structure or the tow service is located in an industrial district. Such services shall comply with all ordinances of the Town.

Town.

The Town of Pembroke, North Carolina.

Town Council.

The Town Council of the Town of Pembroke.

Town Right-of-Way.

A right-of-way owned, leased, or operated by the Town, including any public street or alley that is not a part of the State highway system. *(Amended 10/2/2017)*

Town Utility Pole.

A pole owned by the Town in the Town right-of-way that provides lighting, traffic control, or a similar function. *(Amended 10/2/2017)*

Townhouse.

A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation *(Amended 11/4/2013)*. All townhouse developments shall be subject to multiple family dwelling provisions of this chapter, with the following exceptions:

- (1) All townhouse developments shall comply with the multiple family density requirements of Article 11 of this Ordinance; this standard can be met by individual lot area, by provision of common open space, or by a combination of lot area and common open space.
- (2) No unit shall be connected on more than two (2) sides by common walls.
- (3) All yard dimensional requirements shall apply to the property lines of the entire development. No individual unit shall be required to meet the yard dimensions.

Tract.

A tract is a piece of land whose boundaries have been described or delineated by a legal instrument or map recorded in the office of the Robeson County Register of Deeds.

Tract Area.

The total acreage/square footage of the entire tract being developed.

Trees, Large.

Large trees shall be of a species having an average minimum height of fifteen (15) feet and a minimum mature crown spread of twenty (20) feet. At the time of planting, the tree shall have a minimum caliper of two inches measured at four (4) feet above ground.

Trees, Small.

Small trees shall be of a species having an average minimum height of eight (8) feet and a minimum mature crown spread of twelve (12). At the time of planting, the tree shall have a minimum caliper of two (2) inches measured at four (4) feet above ground.

Use.

The purpose for which land or structure thereon is designed, arranged or intended to be occupied or used, or for which it is occupied, maintained, rented or leased.

Use, Accessory.

A use incidental to and customarily associated with the use-by-right and located on the same lot with the use-by-right, and operated and maintained under the same ownership with the operation of the use-by-right.

Use-By-Right.

A use which is listed as an unconditionally permitted activity in this Ordinance.

Use, Nonconforming.

A use of building or land that does not conform with the regulations of the district in which the building or land is situated.

Use, Non Farm.

Any use of property which is not encompassed by the definition of a farm as so defined in this Ordinance.

Utility Pole.

A structure that is designed for and used to carry lines, cables, wires, lighting facilities, or small wireless facilities for telephone, cable television, electricity, lighting or wireless services. *(Amended 10/2/2017)*

Variance.

A grant of relief to a person from the requirements of this Ordinance which permits construction in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.

Vegetation Screen.

Evergreen trees, including, but not limited to, evergreen shrubs or plants with a minimum height of six (6) inches when planted, which reach a height of at least six (6) feet and have adjoining canopies within five (5) years.

Vested Right.

The right to undertake and complete the development and use of property under the terms and conditions of an approval secured as specified in NCGS Chapter 160D-108 or under common law. *(Amended 8/2/2021)*

Violation of Unified Development Ordinance.

Failure of a structure, use, lot, situation, or other development to be fully compliant with the requirements of this Ordinance.

Visible.

Capable of being seen without visual aid by a person of normal visual acuity.

Warehouse.

A building or compartment in a building used and appropriated by the occupant for the deposit and safekeeping or selling of his own goods at wholesale and/or for the purpose of storing the goods of others placed there in the regular course of commercial dealing and trade to be again removed or reshipped.

Water Supply Watershed Protection Regulation Definitions. (Amended 6/5/2017)

For the purposes of Article 25, Water Supply Watershed Protection Regulations, the following items, phrases, and words shall have the meaning herein:

- (1) Agricultural Use. The use of waters for stock watering, irrigation, and other farm purposes.
- (2) Best Management Practices. A structural or nonstructural management-based practice used singularly or in combination to reduce non-point source inputs to receiving waters in order to achieve water quality protection goals.
- (3) Buffer. An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.
- (4) Built-Upon Area. Built-upon areas shall include that portion of a development project that is covered by impervious and partially impervious cover including buildings, pavement, gravel areas (e.g., roads, parking lots, paths), recreation facilities (e.g., tennis courts), etc. NOTE: Wooden slatted decks and the water area of a swimming pool are considered pervious.
- (5) Cluster Development. The grouping of buildings in order to conserve land resources and provide for innovation in the design of the project including minimizing stormwater runoff impacts. This term includes nonresidential development as well as single-family residential and multi-family developments. For the purpose of this Ordinance, planned unit developments and mixed-use development are considered as cluster development.
- (6) Critical Area. The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). Local governments may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.
- (7) Development. Any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

- (8) Discharging Landfill. A facility with liners, monitoring equipment, and other measures to detect and/or prevent leachate from entering the environment and in which the leachate is treated on site and discharged to a receiving stream.
- (9) Existing Development. Those projects that are built, or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of this Ordinance based on criteria established under Article 22, Vested Rights.
- (10) Hazardous Material. Any substance listed as such in: SARA section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 of CW A (oil and hazardous substances).
- (11) Industrial Development. Any non-residential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning, or developing any product or commodity.
- (12) Landfill. A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A Article 9 of the NC General Statutes. For the purposes of this Ordinance, this term does not include composting facilities.
- (13) Land Disturbing Activity. Any use of the land by any person in residential, industrial, educational, institutional or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation. Regulations do not apply to the following land disturbing activities: agriculture, forestry, and mining.
- (14) Nonconforming Lot of Record. A lot described by a plat or a deed that was recorded prior to the effective date of local watershed protection regulations (or their amendments) that does not meet the minimum lot size or other development requirements of the statewide watershed protection rules.
- (15) Protected Area. The area adjoining and upstream of the critical area of a WS-IV watershed. The boundaries of the protected areas are defined as within five (5) miles of and draining to the normal pool elevation of the reservoir or to the ridgeline of the watershed; or within ten (10) miles upstream and draining to the intake located directly in the stream or river or to the ridgeline of the watershed.
- (16) Residential Development. Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc., and their associated outbuildings such as garages, storage buildings, gazebos, etc., and customary home occupations.

- (17) Residuals. Any solid or semi-solid waste generated from a wastewater treatment plant, water treatment plant, or air pollution control facility permitted under the authority of the Environmental Management Commission.
- (18) Single-Family Residential. Any development where: 1) no building contains more than one dwelling unit, 2) every dwelling unit is on a separate lot, and 3) where no lot contains more than one dwelling unit.
- (19) Toxic Substance. Any substance or combination of substances (including disease causing agents), which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their offspring or other adverse health effects.
- (20) Variance. A permission to develop or use property granted by the Board of Adjustment relaxing or waiving a water supply watershed management requirement adopted by the Environmental Management Commission that is incorporated into this Ordinance.
- (21) Variance, Major. A variance from the minimum statewide watershed protection rules that results in any one or more of the following:
- (a) the relaxation, by a factor greater than ten (10) percent, of any management requirement under the low density option;
 - (b) the relaxation, by a factor greater than five (5) percent, of any buffer, density or built-upon area requirement under the high density option;
 - (c) any variation in the design, maintenance, or operation requirements of a wet detention pond or other approved stormwater management system.
- (22) Variance, Minor. A variance from the minimum statewide watershed protection rules that results in a relaxation, by a factor of up to five (5) percent of any buffer, density, or built-upon area requirement under the high density option; or that results in a relaxation, by a factor of up to ten (10) percent, of any management requirement under the low density option.
- (23) Vested Right. The right to undertake and complete the development and use of property under the terms and conditions established by the local government.
- (24) Water Dependent Structure. Any structure for which the use requires access to or proximity to or siting within surface waters to fulfill its basic purpose, such as boat ramps, boathouses, docks, and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

- (25) Watershed. The entire land area contributing surface drainage to a specific point (e.g., the water supply intake).

Water Tower.

A water storage tank, a standpipe, or an elevated tank situated on a support structure originally constructed for use as a reservoir or facility to store or deliver water. *(Amended 11/4/2013)*

Wholesale.

Sale of a commodity for resale to the public for direct consumption.

Wind Farm.

An electricity-generating facility whose main purpose is to supply electricity to the electrical grid, consisting of one or more wind turbines and other accessory structures and buildings including substations, meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures and facilities, which has a rated capacity of greater than 100 kW. *(Amended 8/2/2021)*

Wind Energy Generator (Accessory).

A single system consisting of a single wind turbine, a tower, and associated control or conversion electronics designed to supplement other electricity sources as an accessory use to existing buildings or facilities, which has a rated capacity of not more than 100 kW. *(Amended 8/2/2021)*

Wind Power.

Power that is generated in the form of electricity by converting the rotation of wind turbine blades into electrical current by means of an electrical generator. *(Amended 8/2/2021)*

Wind Turbine.

A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and may include a nacelle, rotor, tower, and pad transformer. *(Amended 8/2/2021)*

Wind Turbine Height.

The distance measured from grade to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation. *(Amended 8/2/2021)*

Wireless Facility.

Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless communications and (ii) radio transceivers, antennas, wires, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes small wireless facilities. The term shall not include any of the following:

- (1) The structure or improvements on, under, within, or adjacent to which the equipment is collocated.

- (2) Wireline backhaul facilities.
- (3) Coaxial or fiber-optic cable that is between wireless structures or utility poles or Town utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna. *(Amended 10/2/2017)*

Wireless Infrastructure Provider.

Any person with a certificate to provide telecommunications service in the State who builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures for small wireless facilities but that does not provide wireless services. *(Amended 10/2/2017)*

Wireless Provider.

A wireless infrastructure provider or a wireless services provider. *(Amended 10/2/2017)*

Wireless Services.

Any services, using licensed or unlicensed wireless spectrum, including the use of WI-FI, whether at a fixed location or mobile, provided to the public using wireless facilities. *(Amended 10/2/2017)*

Wireless Services Provider.

A person who provides wireless services. *(Amended 10/2/2017)*

Wireless Support Structure.

A new or existing structure, such as a monopole, lattice tower, or guyed tower that is designed to support or capable of supporting wireless facilities. A utility pole or a Town utility pole is not a wireless support structure. *(Amended 10/2/2017)*

Yard.

A required open space unoccupied and unobstructed by a structure or portion of a structure; provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

Yard, Front.

A yard extending the full width of the lot and situated between the right-of-way line and the front line of the principal structure or use projected to the side lines of the lot. Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot lines in the case of rounded property corners at street intersections shall be assumed to be the point at which the side and front lines would have met without such rounding. The foremost points of the side lot lines in the case of lots having an access strip extending from the front of the main portion of the lot in order to comply with the requirements of Article 11 of this Ordinance shall be measured at the place where the access strip joins the main portion of the lot. However, nothing may be placed in the access strip that is not permitted by this Ordinance to be placed in a front yard. Front and rear yard lines shall be parallel.

Yard, Rear.

An area extending across the full width of the lot and lying between the rear lot line and a line parallel thereto at a distance therefrom as required in the applicable district.

Yard, Side.

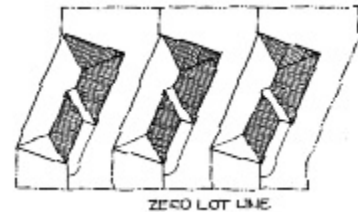
An area extending along the length of the lot between the required front yard and the required rear yard, and between the side lot line and a line parallel thereto and a distance therefrom as required in the various districts.

Yard Sale.

The sale of miscellaneous used items commonly associated with residential use. Yard sales shall not be for the sale of primarily a single commodity. A yard sale shall be limited to a period of no more than two consecutive days. The term "yard sale" does not include agricultural products grown off site or non-agricultural temporary uses/sales. *(Amended 4/3/2017)*

Zero Lot Line Housing Unit.

A single-family detached housing unit placed on a lot such that a windowless wall is placed on one side property line and the footage required for two (2) side yards is placed on the other side property line as the total side yard requirement for the lot.



Zoning Compliance.

A certification by the Administrator or his authorized agents that a course of action to use or occupy a tract of land or a building, or to erect, install or alter a structure, building or sign situated in the extraterritorial jurisdiction of the Town, fully meets the requirements of this Ordinance.

Zoning Map Amendment or Rezoning.

An amendment to a zoning regulation for the purpose of changing the zoning district that is applied to a specified property or properties. The term also includes (i) the initial application of zoning when land is added to the territorial jurisdiction of the Town that has previously adopted zoning regulations and (ii) the application of an overlay zoning district or a conditional zoning district. The term does not include (i) the initial adoption of a zoning map by the Town, (ii) the repeal of a zoning map and readoption of a new zoning map for the entire planning and development regulation jurisdiction, or (iii) updating the zoning map to incorporate amendments where there are not changes in the boundaries of the zoning district or land uses permitted in the district. *(Amended 8/2/2021)*