



# TOWN OF PEMBROKE

## UNIFIED DEVELOPMENT ORDINANCE

Adopted by the Town of Pembroke Town Council: May 4, 2009,  
includes amendments through December 5, 2022

Prepared by:



**Town of Pembroke  
Unified Development Ordinance**

**Table of Contents**

	<u>PAGE</u>
<b>ARTICLE 1. GENERAL PROVISIONS.....</b>	1-1
Section 1-1: Title.....	1-1
Section 1-2: Authority .....	1-1
Section 1-3: Purpose .....	1-1
Section 1-4: Jurisdiction .....	1-2
Section 1-5: Relationship to Comprehensive Plan.....	1-3
Section 1-6: North Carolina State Building Code.....	1-5
Section 1-7: Prerequisite to Final Subdivision Plat Recordation.....	1-5
Section 1-8: Fees.....	1-5
Section 1-9: Conflicts with Other Regulations.....	1-5
Section 1-10: Severability.....	1-6
Section 1-11: Computation of Time.....	1-6
Section 1-12: No Use or Sale of Land or Buildings Except in Conformity with Ordinance Provisions .....	1-6
Section 1-13: Required Yards Not to be Used by Buildings.....	1-7
Section 1-14: Relationship of Building to Lot.....	1-7
Section 1-15: Street Access .....	1-7
Section 1-16: Reduction of Lot and Yard Areas Prohibited.....	1-7
Section 1-17: Property Dedicated for Private Use.....	1-7
Section 1-18: Business Uses of Manufactured Homes and Trailers.....	1-7
Section 1-19: Corner Visibility.....	1-8
Section 1-20: Driveways .....	1-8
Section 1-21: Curb Cuts .....	1-8
Section 1-22: Issued Building and/or Development Permits .....	1-8
Section 1-23: Standards for Effluent and Emissions .....	1-9
Section 1-24: Areas Subject to Inundation .....	1-9
Section 1-25: Sedimentation Control.....	1-9
Section 1-26: Development Approvals Run with the Land.....	1-9
Section 1-27: Refund of Illegal Fees .....	1-9
Section 1-28: Split Jurisdiction .....	1-9
Section 1-29: Pending Jurisdiction.....	1-9
Section 1-30: Effective Date.....	1-9
<b>ARTICLE 2. BASIC DEFINITIONS AND INTERPRETATIONS.....</b>	2-1
Section 2-1: Word Interpretation .....	2-1
Section 2-2: Definitions of Basic Terms .....	2-2
<b>ARTICLE 3. ADMINISTRATIVE MECHANISMS.....</b>	3-1
PART I. PLANNING AND ZONING BOARD.....	3-1

Section 3-1:	Membership and Vacancies .....	3-1
Section 3-2:	Rules of Conduct.....	3-1
Section 3-3:	Meetings.....	3-2
Section 3-4:	General Powers and Duties.....	3-3
Section 3-5:	Basic Studies .....	3-3
Section 3-6:	Comprehensive Plan.....	3-4
Section 3-7:	Zoning Ordinance.....	3-4
Section 3-8:	Subdivision Regulations.....	3-5
Section 3-9:	Urban Renewal.....	3-5
Section 3-10:	Public Facilities.....	3-5
Section 3-11:	Miscellaneous Powers and Duties.....	3-5
Section 3-12:	Annual Report of Activities and Analysis of Expenditures and Budget Request for Ensuing Fiscal Year.....	3-5
Section 3-13:	Advisory Council and Special Committees .....	3-6
<b>PART II.</b>	<b>BOARD OF ADJUSTMENT .....</b>	<b>3-6</b>
Section 3-14:	Creating the Zoning Board of Adjustment .....	3-6
Section 3-15:	Meetings/Officers .....	3-6
Section 3-16:	Powers and Duties.....	3-7
Section 3-17:	Quorum and Voting.....	3-7
<b>PART III.</b>	<b>ADMINISTRATOR.....</b>	<b>3-9</b>
Section 3-18:	Authorization.....	3-9
Section 3-19:	Duties .....	3-9
Section 3-20:	Alternative Staff Arrangements .....	3-0
Section 3-21:	Financial Support.....	3-10
<b>PART IV.</b>	<b>TOWN COUNCIL .....</b>	<b>3-10</b>
Section 3-22:	Powers and Duties.....	3-10
<b>ARTICLE 4.</b>	<b>LEGISLATIVE PROCEDURES .....</b>	<b>4-1</b>
<b>PART I.</b>	<b>AMENDMENTS.....</b>	<b>4-1</b>
Section 4-1:	Process for Adoption of Development Regulations.....	4-1
Section 4-2:	Notice of Hearing on Proposed Zoning Map Amendments .....	4-1
Section 4-3:	Citizen Comments.....	4-2
Section 4-4:	Planning Board Review and Comment .....	4-2
Section 4-5:	Town Council Statement.....	4-3
Section 4-6 through 4-10 Reserved .....	4-4	
<b>PART II.</b>	<b>VESTED RIGHTS AND PERMIT CHOICE.....</b>	<b>4-4</b>
Section 4-11:	Findings.....	4-4
Section 4-12:	Permit Choice .....	4-4
Section 4-13:	Process to Claim Vested Rights .....	4-4
Section 4-14:	Types and Duration of Statutory Vested Rights .....	4-5
Section 4-15:	Continuing Review .....	4-7
Section 4-16:	Exceptions.....	4-7
Section 4-17:	Miscellaneous Provisions .....	4-8
Section 4-18 through 4-20 Reserved.....	4-8	
<b>PART III.</b>	<b>DEVELOPMENT AGREEMENTS.....</b>	<b>4-8</b>
Section 4-21:	Authorization.....	4-8

	<u>PAGE</u>
Section 4-22: Definitions.....	4-9
Section 4-23: Approval of Town Council Required.....	4-10
Section 4-24: Size and Duration.....	4-10
Section 4-25: Public Hearing.....	4-10
Section 4-26: Content and Modification .....	4-10
Section 4-27: Vesting.....	4-12
Section 4-28: Breach and Cure .....	4-12
Section 4-29: Amendment or Termination .....	4-13
Section 4-30: Change of Jurisdiction .....	4-13
Section 4-31: Recordation .....	4-13
Section 4-32: Applicability of Procedures to Approve Debt.....	4-13
Section 4-33 through 4-35 Reserved.....	4-14
<b>PART IV. MORATORIA.....</b>	<b>4-14</b>
Section 4-36: Authority .....	4-14
Section 4-37 through 4-40 Reserved.....	4-14
 ARTICLE 5. APPEALS, VARIANCES, INTERPRETATIONS .....	5-1
Section 5-1: Appeals.....	5-1
Section 5-2: Variances .....	5-2
Section 5-3: Interpretations.....	5-3
Section 5-4: Requests to be Heard Expeditiously .....	5-4
Section 5-5: Burden of Proof in Appeals and Variances.....	5-4
 ARTICLE 6. QUASI-JUDICIAL PROCEDURES .....	6-1
Section 6-1: Hearing Required on Appeals and Applications .....	6-1
Section 6-2: Notice of Hearing .....	6-1
Section 6-3: Administrative Materials.....	6-2
Section 6-4: Presentation of Evidence .....	6-2
Section 6-5: Appearance of Official; New Issues.....	6-2
Section 6-6: Oaths .....	6-3
Section 6-7: Subpoenas.....	6-3
Section 6-8: Modification of Application at Hearing.....	6-3
Section 6-9: Record.....	6-3
Section 6-10: Appeals in Natura of Certiorari.....	6-4
Section 6-11: Voting.....	6-4
Section 6-12: Decision and Judicial Review .....	6-4
Section 6-13: Rehearings .....	6-4
 ARTICLE 7. ENFORCEMENT AND REVIEW .....	7-1
Section 7-1: Notices of Violations .....	7-1
Section 7-2: Stop Work Orders .....	7-1
Section 7-3: Remedies .....	7-1
Section 7-4: Permit Revocation .....	7-2

	<u>PAGE</u>
<b>ARTICLE 8. NONCONFORMING SITUATIONS.....</b>	<b>8-1</b>
Section 8-1: Continuation of Nonconforming Situations and Completion of Nonconforming Projects .....	8-1
Section 8-2: Nonconforming Lots .....	8-1
Section 8-3: Extension or Enlargement of Nonconforming Situations .....	8-1
Section 8-4: Change in Kind of Nonconforming Use .....	8-3
Section 8-5: Abandonment or Discontinuance of Nonconforming Situations .....	8-3
Section 8-6: Completion of Nonconforming Projects .....	8-4
<b>ARTICLE 9. ZONING DISTRICTS AND ZONING MAP.....</b>	<b>9-1</b>
<b>PART I. ZONING DISTRICTS.....</b>	<b>9-1</b>
Section 9-1: Establishment of Zoning Districts, and the Purpose Thereof .....	9-1
<b>PART II. OFFICIAL ZONING MAP.....</b>	<b>9-4</b>
Section 9-2: Zoning Map is a Part of this Ordinance .....	9-4
Section 9-3: Replacement of the Official Zoning Map.....	9-4
Section 9-4: Zoning Map Interpretation.....	9-4
Section 9-5: Maintenance of the Official Zoning Map .....	9-6
<b>PART III. APPLICATION OF GENERAL REGULATIONS.....</b>	<b>9-7</b>
Section 9-6: Only One Main Building, One Main Use on Lot, and Orientation of a Building.....	9-7
Section 9-7: Lot Subdivision .....	9-7
Section 9-8: Obstruction of Public Rights-of-Way .....	9-7
Section 9-9: Existing Encroachments on Rights-of-Way.....	9-7
<b>ARTICLE 10. TABLE OF PERMITTED USES.....</b>	<b>10-1</b>
Section 10-1: Notes to the Table of Permitted Uses .....	10-15
<b>ARTICLE 11. TABLE OF AREA, YARD, HEIGHT, AND LOT COVERAGE REQUIREMENTS .....</b>	<b>11-1</b>
Section 11-1: Notes to the Table of Area, Yard, Height, and Lot Coverage Requirements .....	11-3
<b>ARTICLE 12. ZONING AND SPECIAL USE PERMIT APPROVAL.....</b>	<b>12-1</b>
Section 12-1: Permits Required .....	12-1
Section 12-2: No Occupancy, Use, or Sale of Lots Until Requirements Fulfilled .....	12-1
Section 12-3: Who May Submit Permit Applications .....	12-2
Section 12-4: Applications To Be Complete .....	12-2
Section 12-5: Staff Consultation After Application Submitted.....	12-2
Section 12-6: Development Permits.....	12-3
Section 12-7: Authorizing Use or Occupancy Before Completion of Development Under Zoning Permit.....	12-3
Section 12-8: Authorizing Use, Occupancy, or Sale Before Completion of Development Under Special Use Permits .....	12-4
Section 12-9: Completing Developments in Phases.....	12-5
Section 12-10: Expiration of Permits.....	12-5
Section 12-11: Effect of Permit on Successors and Assigns.....	12-5
Section 12-12: Amendments to and Modifications of Permits.....	12-6

	<u>PAGE</u>
Section 12-13: Reconsideration of Council/Board Action.....	12-7
Section 12-14: Applications to be Processed Expediently.....	12-7
Section 12-15: Maintenance of Common Areas, Improvements, and Facilities.....	12-7
Section 12-16: Special Use Permits Objectives and Purpose.....	12-8
Section 12-17: Procedure for Special Use Permit Granted by the Town Council on Recommendation of the Planning Board.....	12-8
Section 12-18: Table of Regulations for Special Uses.....	12-10
 ARTICLE 13. SITE DEVELOPMENT PLANS AND DESIGN REQUIREMENTS .....	13-1
Section 13-1: Introduction .....	13-1
Section 13-2: Regulations for Multi-Family Development, including Apartments, Townhouses, and Condominiums .....	13-1
Section 13-3: Manufactured Home Park Regulations & Site Development Plan Requirements...13-5	13-5
Section 13-4: Commercial/Industrial Site Development Plans .....	13-13
 ARTICLE 14. RESERVED FOR FUTURE USE.....	14-1
 ARTICLE 15. BUFFER STRIPS AND LANDSCAPING .....	15-1
Section 15-1: Buffer Strips .....	15-1
Section 15-2: Tree Planting on Public Property.....	15-2
Section 15-3: Trees and Shrubbery in or along Streets and Sidewalks.....	15-2
Section 15-4: Parking Facilities Landscaping.....	15-3
Section 15-5: Design Standards .....	15-4
Section 15-6: Tree Protection During Construction .....	15-5
Section 15-7: Maintenance .....	15-5
Section 15-8: Authority of Public Works Director to Treat/Remove Trees on Private Property.15-6	15-6
Section 15-9: Pruning Requirements.....	15-6
Section 15-10: Landscaping Standards – Single-Family Residential Subdivisions .....	15-6
Section 15-11: Exemptions.....	15-7
 ARTICLE 16. BUILDING DESIGN STANDARDS .....	16-1
Section 16-1: Purpose and Intent.....	16-1
Section 16-2: Applicability .....	16-1
Section 16-3: General Requirements .....	16-1
Section 16-4: Statement of Design Compatibility (SDC).....	16-2
Section 16-5: Criteria for Review of SDC.....	16-2
Section 16-6: Recording Requirements .....	16-4
Section 16-7: Amendment Process.....	16-4
 ARTICLE 17. OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS .....	17-1
Section 17-1: Application.....	17-1
Section 17-2: General .....	17-1
Section 17-3: Minimum Parking Requirements.....	17-4
Section 17-4: Driveways .....	17-10
Section 17-5: Off-Street Loading Requirements.....	17-13

	<u>PAGE</u>
<b>ARTICLE 18. REGULATIONS FOR SIGNS .....</b>	18-1
Section 18-1: Intent.....	18-1
Section 18-2: General Provisions .....	18-1
Section 18-3: Signs Prohibited in All Zoning Districts.....	18-5
Section 18-4: On-Premise Signs .....	18-7
Section 18-5: Off-Premise Signs.....	18-14
Section 18-6: Supplemental Sign Standards for the O&I, C-1, C-2, and C-3 District.....	18-19
Section 18-7: Maintenance.....	18-20
Section 18-8: Structural and Construction Requirements.....	18-20
Section 18-9: Reserved for Future Use .....	18-20
Section 18-10: Enforcement.....	18-21
Section 18-11: Nonconforming Signs.....	18-22
Section 18-12: Variances.....	18-24
Section 18-13: Severability Clause .....	18-25
Section 18-14: Effective Date.....	18-25
<b>ARTICLE 19. LIGHTING ORDINANCE .....</b>	19-1
<b>PART I. OUTDOOR LIGHTING.....</b>	19-1
Section 19-1: Intent and Purpose.....	19-1
Section 19-2: Light Measurement Technique.....	19-1
Section 19-3: General Standards for Outdoor Lighting.....	19-1
Section 19-4: Lighting in Parking Lots and Outdoor Areas .....	19-2
Section 19-5: Lighting for Vehicular Canopies.....	19-2
Section 19-6: Outdoor Sports Field/Outdoor Performance Area Lighting .....	19-3
Section 19-7: Lighting of Outdoor Display Areas.....	19-3
Section 19-8: Sign Lighting .....	19-4
Section 19-9: Lighting of Buildings and Landscaping.....	19-4
Section 19-10: Permits .....	19-4
Section 19-11: Nonconformities.....	19-4
<b>PART II. STREET LIGHTING.....</b>	19-5
Section 19-12: Policy Purpose.....	19-5
Section 19-13: Coverage .....	19-5
Section 19-14: Policy.....	19-5
<b>ARTICLE 20. FLOOD DAMAGE PREVENTION ORDINANCE .....</b>	20-1
Section 20-1: Statutory Authorization, Findings of Fact, Purpose and Objectives, Definitions.....	20-1
Section 20-2: General Provisions .....	20-13
Section 20-3: Administration.....	20-14
Section 20-4: Provisions for Flood Hazard Reduction.....	20-26
Section 20-5: Legal Status Provisions.....	20-37
<b>ARTICLE 21. ADULT AND SEXUALLY ORIENTED ESTABLISHMENTS .....</b>	21-1
Section 21-1: Purpose .....	21-1
Section 21-2: Application for Licenses.....	21-1
Section 21-3: Application Procedures .....	21-2

	<u>PAGE</u>
Section 21-4: Prohibited Acts and Conduct.....	21-8
Section 21-5: License, Posting and Display .....	21-9
Section 21-6: Inspections.....	21-9
Section 21-7: Suspension or Revocation of Licenses .....	21-9
Section 21-8: License Renewal.....	21-11
Section 21-9: Transfer of License.....	21-11
Section 21-10: Locational Restrictions.....	21-11
Section 21-11: Nonconforming Uses .....	21-12
Section 21-12: Additional Regulations for Adult Motels.....	21-12
Section 21-13: Additional Regulations for Escort Agencies .....	21-13
Section 21-14: Additional Regulations for Nude Model Studios.....	21-13
Section 21-15: Regulations Pertaining to Exhibition of Sexually Explicit Films, Videos, and Live Performances .....	21-13
Section 21-16: Exterior Portions of Sexually Oriented Businesses .....	21-15
Section 21-17: Signage .....	21-16
Section 21-18: Parking .....	21-16
Section 21-19: Massages or Baths Administered by a Person of the Opposite Sex .....	21-17
Section 21-20: Hours of Operation.....	21-17
Section 21-21: Exemptions.....	21-17
Section 21-22: Notices.....	21-17
 ARTICLE 22. RESERVED FOR FUTURE USE.....	22-1
 ARTICLE 23. TELECOMMUNICATION FACILITIES .....	23-1
Section 23-1: Purpose .....	23-1
Section 23-2: Compliance with Federal Law .....	23-1
Section 23-3: Facilities Permitted .....	23-1
Section 23-4: Telecommunications Facility Plans.....	23-5
Section 23-5: Small Wireless Facilities .....	23-10
 ARTICLE 24. SUBDIVISION REGULATIONS.....	24-1
PART I. GENERAL PROVISIONS.....	24-1
Section 24-1: Thoroughfare Plan.....	24-1
Section 24-2: School Plans.....	24-1
Section 24-3: Unified Development Ordinance and Other Plans .....	24-1
Section 24-4: Design Standards for Stormwater Drainage.....	24-1
Section 24-5: Sedimentation Pollution Control.....	24-2
Section 24-6: Stormwater Runoff Disposal .....	24-2
Section 24-7: Design Standards for Easements .....	24-2
PART II. MAJOR AND MINOR SUBDIVISIONS.....	24-3
Section 24-8: Plat Shall be Required on any Subdivision of Land.....	24-3
Section 24-9: Approval Prerequisite to Plat Recordation .....	24-3
Section 24-10: Two-Lot and Family Subdivisions.....	24-3
Section 24-11: Procedures for Review of Major and Minor Subdivisions .....	24-5

	<u>PAGE</u>
Section 24-12: Procedure for Review of Minor Subdivisions .....	24-5
Section 24-13: Major Subdivision Sketch Design Plan Submission and Review.....	24-8
Section 24-14: Major Subdivision Preliminary Plat Submission and Review .....	24-10
Section 24-15: Major Subdivision Final Plat Submission and Review .....	24-11
Section 24-16: Information to be Contained in or Depicted on Major Preliminary and All Final Plats .....	24-20
Section 24-17: Recombination of Land .....	24-23
Section 24-18: Resubdivision Procedures .....	24-24
Section 24-19: Through Lots .....	24-24
Section 24-20: Presale/Transfer of Lots .....	24-24
Section 24-21: Procedure for Plat Recordation .....	24-26
Section 24-22: Issuance of Permits and Conveyance of Subdivision Lots .....	24-26
Section 24-22a: Notice of New Subdivision Fees and Fee Increases; Public Comment Period.....	24-26
<b>PART III. DESIGN STANDARDS FOR RECREATION AREAS.....</b>	<b>24-28</b>
Section 24-23: Recreation Areas .....	24-28
Section 24-24: Amount of Land .....	24-28
Section 24-25: Suitability Requirements .....	24-29
Section 24-26: Homeowners Association or Nonprofit Organizations .....	24-29
Section 24-27: Limitations.....	24-30
Section 24-28: Adjustments .....	24-30
<b>PART IV. STREETS .....</b>	<b>24-31</b>
Section 24-29: Coordination and Continuation of Streets.....	24-31
Section 24-30: Street Connectivity Requirements.....	24-31
Section 24-31: Private Streets.....	24-33
Section 24-32: Marginal Access Streets .....	24-33
Section 24-33: Subdivision Street Disclosure Statement.....	24-33
Section 24-34: Half-Streets.....	24-33
Section 24-35: Street Names.....	24-34
Section 24-36: Collector and Minor Streets.....	24-34
Section 24-37: Design Standards .....	24-34
Section 24-38: Nonresidential Streets .....	24-34
Section 24-39: Right-of-Way Widths.....	24-34
Section 24-40: Pavement Widths.....	24-35
Section 24-41: Roads and Street Surfaces.....	24-35
Section 24-42: Tangents .....	24-36
Section 24-43: Street Intersections.....	24-36
Section 24-44: Alleys.....	24-36
Section 24-45: Geometric Characteristics .....	24-37
Section 24-46: Minimum Sight Distances.....	24-37
Section 24-47: Design Speeds.....	24-38
Section 24-48: Cul-de-Sacs .....	24-39
Section 24-49: PUD/PRD Streets .....	24-39
Section 24-50: Materials.....	24-39
Section 24-51: Earthwork.....	24-40

	<u>PAGE</u>
Section 24-52: Construction and Inspection.....	24-41
PART V. UTILITIES.....	24-43
Section 24-53: Water and Sewerage Systems.....	24-43
Section 24-54: Electric Power .....	24-43
Section 24-55: Telephone Service .....	24-44
Section 24-56: Underground Utilities.....	24-44
Section 24-57: Utilities to be Consistent with Internal and External Development.....	24-44
Section 24-58: As-Built Drawings Required.....	24-45
 ARTICLE 25. WATERSHED SUPPLY WATERSHED PROTECTION REGULATIONS .....	25-1
Section 25-1: Purpose .....	25-1
Section 25-2: Effective Date.....	25-1
Section 25-3: Watershed Protection Permit Required.....	25-1
Section 25-4: Issuance of Watershed Protection Permit.....	25-1
Section 25-5: Exceptions to Applicability and Pre-Existing Lots .....	25-2
Section 25-6: Administration, Enforcement, and Appeals .....	25-3
Section 25-7: Watershed Overlay District Regulations.....	25-5
Section 25-8: Cluster Development.....	25-6
Section 25-9: Buffers Required .....	25-7
Section 25-10: Watershed Protection Permit.....	25-7
Section 25-11: Building Permit Required.....	25-7
Section 25-12: Zoning Compliance Permit for Properties Located in a Watershed Area.....	25-7
Section 25-13: Public Health Regulations .....	25-8
 APPENDICES	
Appendix I. Street Types	
Appendix II. Street Details	
Appendix III. Downtown Design Guidelines	
Appendix IV. Commercial Corridor Design Guidelines	