

ARTICLE 1. GENERAL PROVISIONS

Section 1-1: Title

This Ordinance shall be known and may be cited as the City of Southport Unified Development Ordinance.

Section 1-2: Authority

- (A) This Ordinance is adopted pursuant to the authority contained in North Carolina General Statute 160A-174 which states that a city may, by ordinance, define, prohibit, regulate, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the city, and may define and abate nuisances.
- (B) Whenever any provision of this Ordinance refers to or cites a section of the North Carolina General Statutes (NCGS) and that section is later amended or superseded, the Ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

Section 1-3: Jurisdiction

- (A) This Ordinance shall be effective throughout the city's planning jurisdiction. The city's planning jurisdiction comprises the area within the corporate boundaries of the city as well as the one mile extraterritorial area as shown on the "Official Zoning Map" for the City of Southport. Such planning jurisdiction may be modified from time to time in accordance with NCGS 160A-360.
- (B) In addition to other locations required by law, a copy of the official zoning map showing the boundaries of the city's planning jurisdiction shall be available for public inspection in the building inspections department and the city clerk's office.

Section 1-4: Effective Date

The provisions in this Ordinance were originally adopted and became effective on June 10, 2004.

Section 1-5: Relationship to Existing Zoning and Subdivision Ordinances

To the extent that the provisions of this Ordinance are the same in substance as the previously adopted provisions that they replace in the city's zoning and subdivision ordinances, they shall be considered as continuations thereof and not as new enactments unless otherwise specifically provided. In particular, a situation that did not constitute a lawful, nonconforming situation under the previously adopted zoning ordinance does not achieve lawful nonconforming status under this Ordinance merely by the repeal of the zoning ordinance.

Section 1-6: Relationship to Coastal Area Management Act (CAMA) Land Use Plan

It is the intention of the Board of Aldermen that this Ordinance implement the planning policies adopted by the Board of Aldermen for the city and its extraterritorial planning area, as reflected in the CAMA land use plan and other planning documents. While the Board of Aldermen reaffirms its commitment that this Ordinance and any amendment to it be in conformity with adopted planning policies, the Board of Aldermen hereby expresses its intent that neither this Ordinance nor any amendment to it may be challenged on the basis of any alleged nonconformity with any planning document.

Section 1-7: No Use or Sale of Land or Buildings Except in Conformity With Ordinance Provisions

- (A) Subject to Article 8 of this Ordinance (Nonconforming Situations), no person may use, occupy, or sell any land or buildings or authorize or permit the use, occupancy, or sale of land or buildings under his control except in accordance with all of the applicable provisions of this Ordinance.
- (B) For purposes of this section, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on, or in that building or land.

Section 1-8: Fees

- (A) Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters may be charged to applicants for zoning permits, sign permits, conditional-use permits, subdivision plat approval, zoning amendments, variances and other administrative relief. The amount of the fees charged shall be as set forth in the city's budget or as established by resolution of the Board of Aldermen filed in the office of the city clerk.

- (B) Fees established in accordance with Subsection (A) shall be paid upon submission of a signed application or notice of appeal.

Section 1-9: Severability

It is hereby declared to be the intention of the Board of Aldermen that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentence, clauses, or phrases of this Ordinance since the same would have been enacted without the incorporation into this Ordinance of such unconstitutional or invalid section, paragraph, sentence, clause, or phrase.

Section 1-10: Computation of Time

- (A) Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded. When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and holidays shall be excluded.
- (B) Unless otherwise specifically provided, whenever a person has the right or is required to do some act within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served by mail, three days shall be added to the prescribed period.

Section 1-11: Land Disturbing Activities

It has become a matter of public concern that owners of land under development application review have prematurely “head started” unregulated land clearing and pre-construction activities. This is improper for many reasons, not only procedural but it also could create liability issues, environmental impacts, as well as cause adverse impacts upon unsuspecting neighbors. The intent of this section is to prevent this activity on the part of developers awaiting full approval, but not to prevent the individual homeowner from landscaping activity, vegetative maintenance, tree trimming or tree removal.

Therefore, from the effective date of this section (August 15, 2006), there shall be no pre-construction activity, including, but not limited to disturbance to vegetation other than path-clearing by hand for inventorying natural resources or land surveying activity; or installing vegetative protection or erosion and sedimentation control measure as approved by the City, for any site under application review, until such pre-construction activity is authorized by the City approval agency and until all applicable City, State and Federal approvals have been obtained and submitted.

The City approval agency shall have the authority to require restoration of the site to its predevelopment conditions existing at the date of acquisition by the applicant, but no more than three years prior to the commencement of application review. The City approval authority may require such environmental studies as it deems necessary to establish such predevelopment conditions, baseline environmental data, and other site information in fulfillment of its responsibilities of this Ordinance.

This provision shall not apply to final development approvals granted by the City as of the effective date of this section. The intent of this section is not to regulate normal landscape and vegetative maintenance by the owner-occupant or tenant of a residence or commercial building. Activities permitted under Article 18 of this Ordinance shall not be affected by the section.

Section 1-12: Final Plans Required Prior to Staff or Planning Board Approval

(revised 8-14-07)

In order to protect the welfare and safety of the citizens of Southport, prior to approval of any plan by staff or Planning Board, all plans and documents must be final and ready for actual construction. All engineering, survey, building, and civil plans must include a signed and dated seal from a professional registered in North Carolina to be considered for final approval. Each drawing sheet must contain the note "100% construction documents" in the title block.