

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 “City Aldermen” shall include “Board of Aldermen” of the City of Southport, North Carolina.
- (N) The word “director” shall mean the City Manager or his designee.
- (O) The words “Zoning Board,” “Zoning Commission,” or “Planning Commission” shall mean the “City of Southport Planning Board.”
- (P) The word “city” shall mean the “City of Southport,” a municipal corporation of the State of North Carolina.
- (Q) The words “map,” “zoning map,” and “Southport Zoning Map” shall mean the “Official Zoning Map for the City of Southport, North Carolina.”
- (R) The words “Board of Adjustment” shall mean the “City of Southport 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.

- (1) Abandoned Vehicle. A motor vehicle that:
 - (a) Has been left upon a street or highway in violation of a law or ordinance prohibiting parking; or
 - (b) Is left on property owned or operated by the city for longer than 24 hours; or
 - (c) Is left on private property without the consent of the owner, occupant, or lessee thereof longer than two hours; or
 - (d) Is left on any public street or highway for longer than seven days.
- (2) Accessory Dwelling. A dwelling unit either added within an existing single family detached dwelling or in a separate accessory structure on the same lot as the principal dwelling, or within a commercial building for use as a complete, independent living facility with provision within the accessory dwelling unit for cooking, eating, sanitation and sleeping.

(3) Accessory Structure. A structure 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.

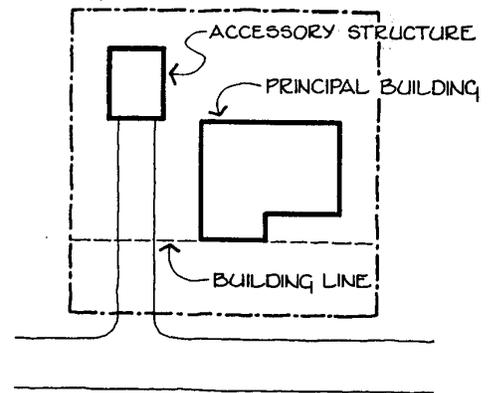
(4) Accessory Use. A use incidental to, and the same lot as, a principal use.

(5) Addition (to an existing building). Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction. Any extension or increase in the floor area or height of a building or structure.

(6) Administrator. The Administrator for the City of Southport.

(7) 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.

(8) 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.

- (9) Alley. A roadway easement which affords only a secondary means of access to abutting property and not intended for general traffic circulation.
- (10) Alterations. The word “alteration” shall include any of the following:
 - (a) Any addition to the height or depth of a building or structure;
 - (b) Any change in the location of any of the exterior walls of a building or structure;
 - (c) Any increase in the interior accommodations of a building or structure.
- (11) Antenna. Equipment designed to transmit or receive electronic signals.
- (12) 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.
- (13) Appeal. A request for a review of the administrator’s interpretation of any provision of this Ordinance or a request for a variance.
- (14) Application Review. The process by which a submission for proposed development, construction or reconstruction of a building or site is evaluated, processed and acted upon by the City approval agency. Application review shall be considered to have begun on the date of the first submission of an application with the Administrator.
- (15) Approval Authority. The Board of Aldermen of the City of Southport, 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.
- (16) Area of Shallow Flooding. A designated Zone AO 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.

- (17) Area of Special Flood Hazard. See “Special Flood Hazard Area (SFHA)”
- (18) Articulation. An emphasis given to architectural elements (including windows, balconies, porches, entries, etc.) to create a complementary rhythm or pattern; modulation of building facades, massing and detail to create variety.
- (19) As-Built Plan. Plans reflecting actual field conditions which may include the construction plans with any changes identified and shown on the plan.
- (20) Assembly. A joining together of completely fabricated parts to create a finished product.
- (21) 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 G.S. 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.
- (22) 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.

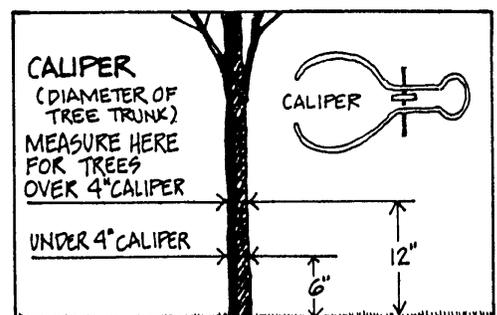
- (23) Automobile Off-Street Parking (Commercial Lot). Any building or premises, except a building or premises described as a private garage, used for the storage of motor vehicles for the public or private businesses.
- (24) Automobile Repair Shop. A building or other structure where the following uses and activities are permitted: major mechanics, body work, straightening of body parts, along with all uses and activities of an automotive care center.
- (25) Automobile Wash or Automatic Car Wash. A building or structure where chain conveyors, blowers, steam cleaners, and other mechanical devices are employed for the purpose of washing motor vehicles.
- (26) 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:
- (a) Auto parts store
 - (b) Muffler shop
 - (c) Transmission shop
 - (d) Tune-up shop
 - (e) Lubrication shop
 - (f) Auto trim and detail shop
 - (g) Tire store with service (including alignment)
 - (h) 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.

- (27) Base Flood. The flood having a one (1) percent chance of being equaled or exceeded in any given year.
- (28) 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 or State or other source using FEMA approved engineering methodologies. This elevation, when combined with the “Freeboard,” establishes the “Regulatory Flood Protection Elevation.”
- (29) Basement. Any area of the building having its floor subgrade (below ground level) on all sides.
- (30) 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)).
- (31) Block. A piece of land bounded on one or more sides by streets or roads.
- (32) Board of Adjustment. A semi-judicial body, composed of representatives from the City of Southport, which is given certain powers under and relative to this Ordinance.
- (33) Board of Aldermen. The Board of Aldermen of the City of Southport.
- (34) Bona Fide Farm. Any tract of land larger than ten (10) acres and otherwise eligible for tax deferral as authorized in NCGS 105-277.1 et. seq. shall be considered a bona fide farm. Any tract of land on which agricultural activities are clearly of an incidental nature may also be considered as a bona fide farm upon determination by the Administrator upon consideration of agricultural productivity and improvements, and any other necessary or available information. Bona fide farms do not include intensive livestock operations.

- (35) Boutique Hotel. An intimate, usually luxurious or quirky hotel environment. Boutique hotels differentiate themselves from larger chain/branded hotels and motels by providing personalized accommodation and services/facilities. Sometimes known as “design hotels” or “lifestyle hotels”.
- (36) Breakaway Wall. A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.
- (37) Buffer. A strip of planted vegetation which shall be a minimum of 10 feet in width and which complies with Article 18 of this Ordinance.
- (38) Buildable Area. The portion of a lot remaining after required yards have been made.
- (39) Building. Any structure built for support, shelter, or enclosure for any occupancy or storage.
- (40) Building, Accessory. See accessory structure.
- (41) Building, Commercial. Any building used for business purposes.
- (42) Building, Detached. A building having no party or common wall with another building except an accessory building or structure.
- (43) Building Groups, Planned. More than one (1) building on a single lot or tract, or nine (9) or more dwelling units in a multifamily structure on a single lot or tract.
- (44) 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.

- (45) Building Inspector. The person, officer, and his authorized representatives, whom the City Aldermen have designated as their agent for the administration and enforcement of the city building codes and minimum housing code.
- (46) 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.
- (47) 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, and Height Requirements."
- (48) Building, Main. A building in which the principal use of the lot on which the building is situated is conducted.
- (49) 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 City of Southport Zoning Ordinance.
- (50) 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).
- (51) Caliper. A measurement of the diameter of a tree trunk taken to the following standards:
- 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.

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

- (52) CAMA. North Carolina's Coastal Area Management Act. This act, along with the Dredge and Fill Law and the Federal Coastal Zone Management Act, is managed through North Carolina Department of Environment and Natural Resources' (NCDENR's) Division of Coastal Management (DCM).
- (53) 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.
- (54) 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.
- (55) Certify. Whenever this Ordinance requires that some agency certify the existence of some fact or circumstance to the city, the city 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 city may accept certification by telephone from some agency when the circumstances warrant it, or the city may require that the certification be in the form of a letter or other document.

- (56) 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 products.
- (57) 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.
- (58) Child Care Institution. An institutional facility housing more than nine (9) orphaned, abandoned, dependent, abused, or neglected children.
- (59) 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.
- (60) 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.
- (61) City. The City of Southport, North Carolina.
- (62) Club or Private Lodge. 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.
- (63) Coastal Barrier Resources System(CBRS). Undeveloped portions of coastal and adjoining areas established by the Coastal Barrier Resources Act (CBRA) of 1982, the Coastal Barrier Improvement Act (CBIA) of 1990, and subsequent revisions, and includes areas owned by federal or state governments or private conservation organizations identified as Otherwise Protected Areas (OPA).

- (64) Coastal High Hazard Area. A Special Flood Hazard Area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designed on a FIRM, as Zone VE.
- (65) Communications Tower. A tower, pole, or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, free standing, guyed, or on another structure.
- (66) Conditional Use. A use that would not be an appropriate general use without restriction or review in a particular zoning district, but which, if controlled as to number, area, location or relation to surrounding uses, would promote the public health, safety or general welfare.
- (67) Conditional-Use Permit. A permit issued by the Board of Adjustment that authorizes the recipient to make use of property in accordance with the requirements of the City of Southport Zoning Ordinance as well as any additional requirements imposed by the Board of Adjustment.
- (68) 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.
- (69) Contractor, General. One who is engaged in one or more aspects of building construction and/or land development through a legal agreement.
- (70) 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.
- (71) Convenience Store. A one-story, retail store containing less than 2,000 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”). 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.

- (72) County Commission. The Board of Commissioners of Brunswick County, North Carolina.
- (73) Coverage. An area determined in square footage.
- (74) 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.
- (75) Curtain Wall. A continuous, uniform foundation enclosure constructed of brick or concrete blocks and that is unpierced except for required ventilation and access.
- (76) Day Care Center. Any child care 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.
- (77) 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.

- (78) 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.
- (79) Designer. A professional who is permitted to prepare plans and studies required by this chapter.
- (80) Detention Facility. A structure designed and constructed for the collection and storage of surface water for subsequent gradual discharge.
- (81) Develop. The construction, landscaping, clearing projects or any other project which in any manner alters the natural structure of the land mass.
- (82) Developed Land Use Conditions. The land use conditions that would be permitted according to the current official City Zoning Maps.
- (83) Developed Peak Discharge Rates. The peak discharge rates, in cubic feet per second, calculated using developed land use conditions.
- (84) Developer. A person who is responsible for any undertaking that requires a zoning permit, conditional-use permit, or sign permit.
- (85) 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.
- (86) 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.

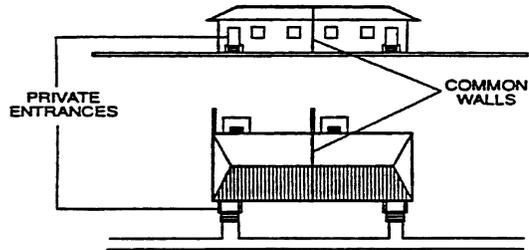
- (87) Director. The Director of the Public Works Department or his designee.
- (88) Disposal. As defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.
- (89) District. Any section of the City of Southport and its extraterritorial jurisdiction in which zoning regulations are uniform.
- (90) Drainage Facilities. See storm drainage facilities.
- (91) Drip Line. A vertical line running through the outermost portion of the crown of a tree and extending to the ground.
- (92) Drive-in Facility. An establishment at which employees provide curb 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.
- (93) 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.
- (94) Dwelling. Any buildings or structure (except a mobile home) that either is—or is intended—to be used for living or sleeping by one or more human occupants.
- (95) 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.



(96) Dwelling, Single-Family. A detached building designed for or occupied exclusively by one family.

(97) 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.



(98) Dwelling Unit. A room or group of rooms within a dwelling forming a single, independent, habitable unit; containing an independent kitchen, sanitary, and sleeping facilities; and provided such dwelling unit complies with local minimum housing standards.

(99) 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.

(100) Electronic Gaming Operations. Any for-profit business or enterprise, whether as a principal or an accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, including but not limited to sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. Such businesses or enterprises have as a part of its operation the running of one or more games or processes with any of the following characteristics: (1) payment, directly or as an intended addition to the purchase of a product, whereby the customer receives one or more electronic sweepstakes tickets, cards, tokens or similar items entitling or empowering the customer to enter a sweepstakes, and without which item the customer would be unable to enter the sweepstakes; or, (2) payment, directly or an intended addition to the purchase of a product, whereby the customer can request a no purchase necessary free entry of one or more sweepstakes tickets or other item entitling the customer to enter a sweepstakes. The term electronic gaming operations includes, but is not

limited to, cyber-gaming establishments, internet cafes, internet sweepstakes, beach sweepstakes, video sweepstakes or cybercafes, who have a finite pool of winners. This does not include any lottery endorsed or permitted by the State of North Carolina. (Adopted 6-10-10)

- (101) 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.
- (102) 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.
- (103) Erect. Build, construct, rebuild, or reconstruct, as the same are commonly defined.
- (104) 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.
- (105) Existing Construction. For the purposes of determining rates, structures for which the start of construction commenced before the effective date of the FIRM or before January 1, 1975, for FIRM's effective prior to that date. "Existing construction" may also be referred to as "existing structures."
- (106) Existing Land Use Conditions. The land use conditions existing at the time the design plans are submitted for approval, including previously approved upstream developments.
- (107) Existing Manufactured Home Park or Manufactured Home Subdivision. A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale 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 April 9, 1987.

- (108) 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).
- (109) Extraterritorial Jurisdiction. The area beyond the corporate limits within which the planning and zoning regulations of the city apply in accordance with state law. Such area is delineated on the official zoning map for the City of Southport.
- (110) 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.
- (111) Family. One or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit; provided that a group of five or more persons who are not within the second degree of kinship shall not be deemed to constitute a family.
- (112) 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.
- (113) 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.

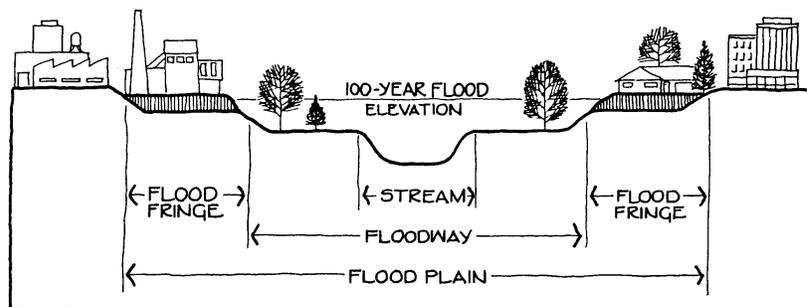
- (114) FAR (Floor Area Ratio). The maximum square foot amount of total floor area including all stories and all uses permitted for each square foot of land area.
- (115) Fence. A continuous barrier constructed of wood, stone, steel, or wire or other similar material.
- (116) Fence, Screen. A continuous, opaque, unperforated barrier extending from the surface of the ground to a uniform height of not less than eight (8) feet constructed of wood, stone, steel or similar material.
- (117) Fence, Security. A continuous barrier extending from the surface of the ground to a uniform height of not less than eight (8) feet constructed of wood, stone, steel, wire or other similar material.
- (118) Flag. Sign of flexible materials such as cloth, paper, plastic and typically displayed on a flagpole, or structure. Windsocks are interpreted to represent permitted flagging.

Patriotic and/or decorative flags. Flags and insignia of governmental subdivisions, agencies, or bodies when displayed for patriotic purposes and/or flags with designs that are not promoting commercial businesses.

Commercial flags. Flags intended for commercial promotion and/or advertisement.

- (119) Fill. Any material used to raise the elevation of the surface of the land, excluding a grade base and paving.
- (120) 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.

- (121) 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.
- (122) 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.
- (123) Flood Insurance. The insurance coverage provided under the National Flood Insurance Program.
- (124) 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.
- (125) Flood Insurance Study(FIS). An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard 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).
- (126) Floodplain. Any land area susceptible to being inundated by water from any source; a flood prone area.



- (127) Floodplain Administrator. The Building Inspector is appointed to administer and enforce the floodplain management regulations.
- (128) Floodplain Development Permit. Any type of permit that is required in conformance with the provisions of this Article, prior to the commencement of any development activity.
- (129) Floodplain Management. The operation of an overall program of corrective and preventive 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.
- (130) Floodplain Management Regulations. This Article and Ordinance, 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.
- (131) Floodproofing. Any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.
- (132) Floodway. The channel of a river or other watercourse 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.
- (133) 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.

- (134) 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.
- (135) Floor Area. The total square footage on all floors within a building.
- (136) Forestry. A woodland area where all of the following occur:
- (a) the growing of trees;
 - (b) the harvesting of timber, leaves, or seeds;
 - (c) 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;
 - (d) 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.
- (137) 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, bridge openings, and the hydrological effect or urbanization on the watershed. The Base Flood Elevation plus the freeboard establishes the “Regulatory Flood Protection Elevation.”
- (138) Frontage. All property abutting on one side of a street measured along the street line.
- (139) Fuel Pump Island. Any device or group of devices used for dispensing motor fuel or similar petroleum products to the general public.
- (140) 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 or seafood processing facilities.

The term does not include long-term storage, manufacture, sales, or service facilities.

- (141) G.S. North Carolina General Statute.
- (142) 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.
- (143) 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.
- (144) 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.
- (145) Gross Floor Area. The sum of the enclosed area on all floors of a building measured from the outside faces of the exterior walls. It includes any below grade floor areas used for habitation or storage.
- (146) Gross Site Area. The total square footage of the proposed development as determined by actual on-site survey.
- (147) 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.
- (148) Guideline. An objective.
- (149) 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.

- (150) 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.
- (151) 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.
- (152) 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.
- (153) 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.
- (154) 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, or orthopedic impairments, but not including mentally ill persons who are dangerous to others as defined in G.S. Section 122-58.2(1)b.
- (155) Hazard Waste Facility. As defined in NCGS 130, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

- (156) 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. [Cross reference - Massage Parlors.]
- (157) Highest Adjacent Grade (HAG). The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.
- (158) Historic Area. That area designated by the City of Southport and which is delineated upon a map adopted by the Board of Aldermen and on file at the City of Southport Clerk’s Office.
- (159) Historic District. An area designated by the City of Southport which is deemed to be of special significance in terms of history, architecture and/or culture, and found to possess integrity of design, setting, materials, feelings, and association. The boundaries of the National Historic District are delineated upon the zoning map, a part of the Zoning Ordinance of the City of Southport.
- (160) Historical Preservation Commercial Use. A commercial use approved as a conditional use in any structure which is listed on, or nominated for, the National Register of Historic Preservation or the North Carolina Plan for Historic Preservation.
- (161) Historic Structure. Means any structure that is:
- (a) 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;
 - (b) 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;

(c) individually listed on a local inventory of historic landmarks in communities with a “Certified Local Government (CLG) Program;” or

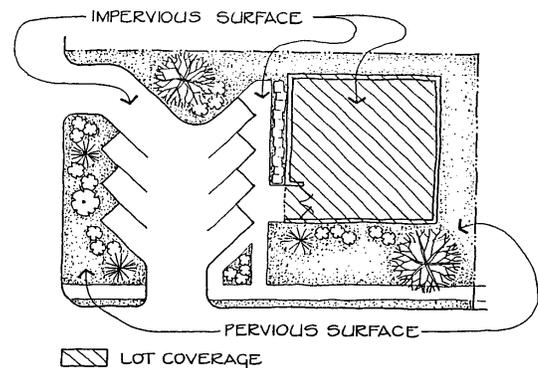
(d) certified as contributing to the historical significance of a historic district designated by a community with a “Certified Local Government (CLG) Program”

(e) Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina 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.

- (162) 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.
- (163) 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.
- (164) Home Occupation. A business, profession, occupation, or trade conducted for gain or support and located entirely within a residential building or a structure accessory thereto, which use is accessory, incidental and secondary to the use of the building for dwelling purposes and does not change the essential residential character or appearance of such building. Further, provided that no more than 25% of the total floor area or 500 square feet, whichever is greater, is used for such purposes; that there is no outside or window display; and no more than one person not residing on the premises is employed in connection with the home occupation.

- (165) 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.
- (166) Hospital Emergency Air Ambulance Helipad. (Adopted 12-9-10) The word helipad is short for helicopter landing pad, a landing area for helicopters. While helicopters are able to operate on a variety of relatively flat surfaces, a fabricated helipad provides a clearly marked hard surface away from obstacles where a helicopter can land. Helipads are usually constructed out of concrete and are marked with a circle and/or a letter “H”, so as to be visible from the air. A helipad does not have fuel and service facilities and does not maintain an air traffic controller. A helipad is for the sole purpose of facilitating emergency medical transport via air ambulance.

- (167) 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.



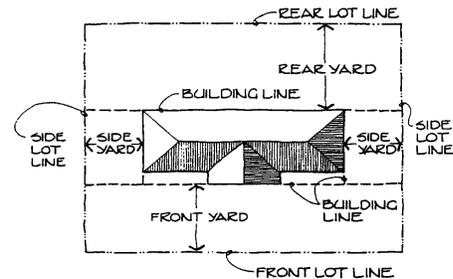
- (168) Impervious Surface, in an application for approval to the total area within the development project property boundary, expressed as a percent. (Revised 4/13/06)
- (169) Impervious Surface Ratio. The ratio of the total area of impervious surface as defined in Definition

- (170) Infiltration. The passage or movement of water into the soil sub-surface.
- (171) 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.
- (172) 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.
- (173) Inspector. The Building Inspector for the City of Southport.
- (174) 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.
- (175) 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.
- (176) 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.
- (177) 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.

- (178) 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.
- (179) Junk Yard. Any land or area used, in whole or in part, for commercial storage and/or sale of waste paper, rags, scrap metal, or other junk, and including storage of scrapped vehicles or machinery and dismantling of such vehicles or machinery.
- (180) 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.
- (181) 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.
- (182) Land Area. The total square footage within the development project property boundary of net buildable area.
- (183) 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.
- (184) Levee System. A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound and engineering practices.

- (185) Level, Floor. The bottom portion, inclusive of horizontal sills, of the first living floor of a structure intended for occupancy.
- (186) Loading and Unloading Area. That portion of the vehicle accommodation area used to satisfy the requirements of Article 16. 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.

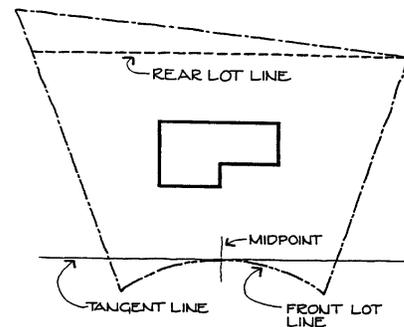
- (187) Lot. Land area of defined boundaries in single ownership, set aside for separate use or occupancy, and recorded as such in the office of the Brunswick County Registrar of Deeds.



- (188) 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.

- (189) Lot, Corner. A parcel of land having frontage on more than one street (road) which abuts an intersection of those streets (roads).

- (190) Lot, Coverage. That portion of a lot occupied by a structure, either at ground level or the equivalent thereto when a structure is elevated on pilings.



- (191) Lot, Depth. The depth of a lot is the distance measured in the mean direction of the side lines of the lot from the midpoint of the front line to the midpoint of the opposite lot line.

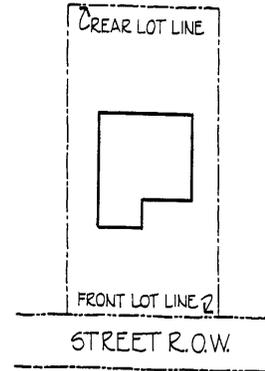
- (192) Lot, Flag. Lots or parcels with less frontage on a public street than is normally required. The panhandle is an access corridor to lots or parcels located behind lots or parcels with normally required street frontage.

(193) Lot, Interior. A lot other than a corner lot with only one frontage on a street.

(194) Lot Line. Any boundary of a parcel of land.

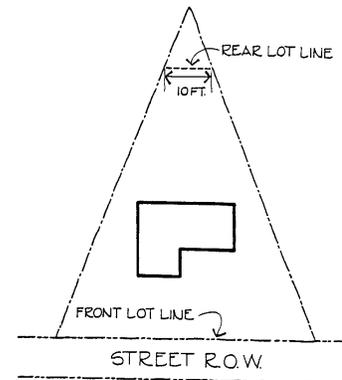
(195) Lot Line, Front.

- (a) 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;
- (b) 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);



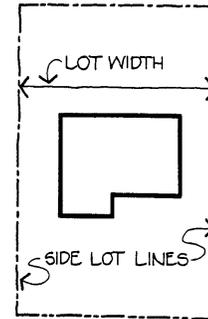
- (c) If a lot is not encompassed by provision (a) or (b) and no front property line is designated on the final plat, the front property line shall be designated by the Board of Adjustment.

(196) 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 mid point of the front line. The rear yard minimum building line shall be a line perpendicular to a straight line connecting said apex and the mid point front lot line.



(197) Lot Line, Side. A boundary line which is not defined as front or rear lot line.

(198) 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.



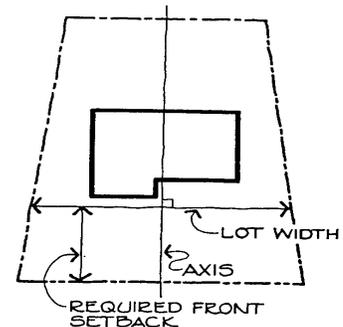
(199) Lot of Record. A lot, a plat, or a map which has been recorded in the office of the Registrar of Deeds of Brunswick County, or a lot described by metes and bounds, the description of which has been recorded in the aforementioned office.

(200) Lot, Reversed Frontage. A lot on which the frontage is at right angles or approximately right (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.

(201) 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.

(202) Lot, Through or Double Frontage. A lot other than a corner lot with frontage on one or more streets. Through lots abutting two streets may be referred to as double frontage lots.

(203) Lot Width. The distance between the side property lines along the front minimum building line as specified by the applicable front yard setback in Article 11, "Table of Area, Yard and Height Requirements."



(204) Low Impact Development (LID). LID is an ecologically friendly approach to site development and storm water management that aims to mitigate development impacts to land, water, and air. The approach emphasizes the integration of site design and planning techniques that conserve natural systems and hydrologic functions on a site. Specifically, LID aims to:

- Preserve Open Space and Minimize Land Disturbance;
- Protect Natural Systems and Processes (drainage ways, vegetation, soils, sensitive areas);
- Reexamine the Use and Sizing of Traditional Site Infrastructure (lots, streets, curbs, gutters, sidewalks) and Customize Site Design to Each Site;
- Incorporate Natural Site Considerations/Concerns (wetlands, stream corridors, mature forests) as Design Elements; and
- Decentralize and Micromanage Storm Water at its Source.

(205) Lowest Adjacent Grade (LAG). The elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

(206) Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of 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 this Ordinance.

(207) Maintenance. Any action necessary to preserve drainage and flood control facilities in proper working condition, so that such facilities shall continue to comply with the standards of this chapter and to prevent failure of such facilities. Maintenance shall not include actions taken solely for the purpose of enhancing the aesthetics aspects associated with stormwater discharge control facilities.

(208) Major and/or Multi-Unit Development. Development consisting of :

- (a) structures on a tract of two [2] acres or more, or

- (b) nonresidential structures having a total floor area of ten thousand (10,000) square feet or more.
- (209) 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 also includes park trailers, travel trailers, and similar transportable structures placed on a site for one hundred eighty (180) consecutive days or longer and intended to be improved property. The term “manufactured home” does not include a “recreational vehicle.”
- (210) Manufactured Home (Mobile Home) Class A. A double- or triple-wide manufactured home constructed after July 1, 1976, 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:
- (a) The home has a length not exceeding four times its width;
 - (b) 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;
 - (c) 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;
 - (d) A continuous, permanent masonry foundation, unpierced except for required ventilation and access, is installed under the home; and
 - (e) 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 city’s RA-20 Residential and MH Residential Manufactured Home zoning districts.

- (211) Manufactured Home (Mobile Home) Class B. A single-wide manufactured home constructed after July 1, 1976, 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 permitted within the city's R-MH Residential Manufactured Home zoning district.
- (212) 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 Southport's planning jurisdiction.
- (213) Manufactured Home Lot. A manufactured home lot is a piece of land within a manufactured home park whose boundaries are delineated in accordance with the requirements of the Ordinance.
- (214) 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.
- (215) 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.
- (216) 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.
- (217) 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, boats, engines, and accessories.

- (218) Market Value. The building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal, replacement cost depreciated for age of building and quality of construction (Actual Cash Value), or adjusted tax assessed values.
- (219) Mean Sea Level. For purposes of this ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing various elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.
- (220) Mixed Use. One or more dwellings located on an upper floor over a permitted use(s) located on a lower floor or ground level of a commercial building.
- (221) 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 G.S. 143-139.1, and is placed on a permanent foundation and used for residential purposes.
- (222) Modular Unit. A factory built structure that is designed and built in one or more components or sections that are transported to a site. Plans and specifications shall bear an engineer's seal and a third party inspection certification and/or meet any successor regulations as may be established under the N.C. State Building Code. (Adopted 10/10/13)
- (223) 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.

- (224) Motor Vehicle. All machines designed or intended to travel over land or water by self-propulsion or while attached to any self-propelled vehicle.
- (225) Multifamily Development. A single building on a single lot or tract containing more than two (2) dwelling units.
- (226) 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.

- (227) National Geodetic Vertical Datum (NGVD). As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.
- (228) Natural Feature. Any outside landscape feature on the site such as trees, shrubs, or rock formations.
- (229) NCGS. North Carolina General Statute.
- (230) Net Buildable Area. The total area within the project property boundary less:
- (a) all easement for storm drain or utilities;
 - (b) highway and street rights-of-way;
 - (c) sediment basins and water retention ponds;
 - (d) wetlands, defined by CAMA and/or US Corps of Engineers;
 - (e) water and wastewater treatment facilities;
 - (f) local or state designated historic sites; and
 - (g) water areas including seasonal ponds.
- (231) New Construction. (a) Any development occurring on property utilized for governmental, commercial, or residential subdivision purposes for which a building permit is required. (b) For floodplain management purposes, structures for which the “start of construction” commenced on or after the effective date of this Ordinance and includes any subsequent improvements to such structures.
- (232) 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.

- (233) Nonconforming Building or Use. Any legally existing building or use which fails to comply with the provisions of the Ordinance.
- (234) Non-Encroachment Area. The channel of a river or other watercourse 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 designed in the Flood Insurance Study report.
- (235) 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.
- (236) Official Maps or Plans. Any maps or plans officially adopted by the City of Southport Board of Aldermen.
- (237) OPA. An Otherwise Protected Area.
- (238) 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.
- (239) OSR (Open Space Ratio). The ratio of all open space as defined in Definition (209) Open Space, contained in an application for approval to the total development project area included in the application, expressed as a percent. For the purposes of calculating the ratio, wetlands, as defined by

CAMA and/or the US Army Corps of Engineers, and water bodies, sediment and detention basins and stormwater retention ponds shall qualify for no more than fifty (50) percent of the minimum open space requirements of this ordinance as determined by this calculation. (Revised 4/13/06)

- (240) 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.
- (241) “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.
- (242) Parking Area, Aisles. A portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.
- (243) 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 or ingress and egress. A parking lot is a subclassification of a parking facility.
- (244) 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.
- (245) 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.

- (246) Patio Home. A single-family detached or semi-detached unit built on a small lot which may be enclosed by walls which provide privacy.
- (247) Perimeter Landscape Strip. A planted strip of land having a minimum width of five feet adjacent to and encircling a parking facility.
- (248) Person. An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other entity acting as a unit.
- (249) 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.
- (250) Planned Building Group. A residential project containing nine (9) or more attached dwelling units, a residential project with attached dwelling units for individual ownership; a commercial and/or office-institutional project located within an O-I, BD, HC, CBD or PUD zoning district involving the construction of a building or buildings or a manufactured home park. (Revised 01-12-12)
- (251) Planned Unit Development (PUD). A development constructed on a tract of at least 8 acres of net buildable area under single ownership or approved partnership in the city limits of Southport or at least 25 acres of net buildable area under single ownership or an approved partnership in the extraterritorial jurisdiction of the City of Southport, planned and developed as an integral unit, and consisting of a combination of residential and nonresidential uses on land within a PUD district in accordance with Article 14. (Revised 4-17-07)
- (252) Planning Board. A commission appointed by the City Board of Aldermen and by the Brunswick County Board of Commissioners for the following purposes:
- (a) to develop and recommend long-range development plans and policies;

- (b) to advise the City Board of Aldermen in matters pertaining to current physical development and zoning for the city's planning jurisdiction.
- (253) 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.
- (254) Plat. A map or plan of a parcel of land which is to be, or has been, subdivided.
- (255) Portable Storage Containers. A container designed to store personal property which are typically rented and intended to be delivered and removed by truck. Portable storage containers shall not be used as a dwelling and shall not impede public vehicular or pedestrian access or create a public safety hazard. This definition includes shipping containers and other portable self-storage units. (Added 12/8/2016)
- (256) Post-FIRM. Construction or other development for which the “start of construction” occurred on or after April 15, 1977.
- (257) Pre-FIRM. Construction or other development for which the “start of construction” occurred before April 15, 1977.
- (258) Pre-construction Activity. Any action taken to disturb land or vegetation for a site prior to the completion of application review, or other site preparation, including but not limited to the storage of construction materials, stockpiles, containers, vehicles or similar items prior to the start of construction permitted thereunder.
- (259) Predevelopment. The conditions that existed prior to the proposed project, site plan, or subdivision being in place.
- (260) Primary Frontal Dune. A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and over-topping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

- (261) Principally Above Ground. At least fifty-one (51) % of the actual cash value of the structure is above ground.
- (262) 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.
- (263) Private Street. An undedicated private right-of-way which affords access to abutting properties and requires a subdivision streets disclosure statement in accordance with G.S. 136-102.6.
- (264) Processing. Any operation changing the nature of material or material's chemical composition or physical properties; does not include operations described as fabrication.
- (265) Property Clearing. The removal of regulated trees from undeveloped property for the purpose of timber sales, value enhancement, or other nondevelopmental purposes.
- (266) Pruning Standards. Generally accepted standards for pruning as defined in the current edition of Pruning Standards by the American Society of Consulting Arborists.
- (267) 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 for floodplain management purposes, unlawfully obstructs the free passage or use, in the customary manner, or any navigable lake, of river, bay, stream, canal, or basin.
- (268) Public Sewage Disposal System. A system serving two (2) or more dwelling units and approved by the Brunswick County Health Department and the North Carolina Department of Environment and Natural Resources, Environmental Management Division.
- (269) 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.

- (270) Recreational Vehicle (RV) means a vehicle, which is:
- (a) built on a single chassis;
 - (b) four hundred (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; and
 - (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use. Recreational vehicles include “park model” recreational vehicles as defined by this Ordinance.
- (271) 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).”
- (272) Redevelopment. Renovation of an existing structure or structures which totals at least 60 percent of the original structure.
- (273) Reference Level. The top of the lowest floor for structures within Special Flood Hazard Areas designated as Zone A1-30, AE, A, A99 or AO. The reference level is the bottom of the lowest horizontal structural member of the lowest floor for structures within Special Flood Hazard Areas designated as zone VE.
- (274) Regulated Tree. The subsurface roots, crown, and trunk of:
- (a) 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:
 - (1) hardwood tree - eight (8) inches, such as oak, maple, etc.
 - (2) pine tree - twelve (12) inches, such as a long leaf pine
 - (b) Any small flowering tree, such as dogwood, with a measured caliper of at least four (4) inches.
 - (c) 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.

- (275) 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 three(3) feet of freeboard. In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least three (3) feet above the highest adjacent grade.
- (276) 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.
- (277) 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).
- (278) Remedy a Violation. To bring a structure or other development into compliance with State and community 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.
- (279) 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.

- (280) Repetitive Loss. 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 the average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.
- (281) 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.
- (282) 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.
- (283) Residential Hotel. A building or group of buildings, limited to a maximum of 10 rooms total, 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 may 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. (Revised 7-14-16)
- (284) Restaurant. An establishment whose principal business is the sale of foods, frozen desserts, or beverages to a customer in a ready-to-consume state, and whose design and principal method of operation determines its classification as follows:

- (a) Standard: Customers are provided with an individual menu and served by an employee at the same table or counter at which their food and/or beverages generally are consumed within the restaurant.
 - (b) Carry-out: (a) 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 (b) 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.
 - (c) Fast Food: Same as “carry-out,” but includes allowing consumption within the principal building.
- (285) Retail. Sale of a commodity, [the sale being] to the ultimate consumer and [the commodity being] not customarily subject to sale again.
- (286) Retention Pond Facilities. A permanent structure that provides for the storage of runoff and is designed to maintain a permanent pool of water.
- (287) Right-of-Way. The property located within and adjoining the streets, roads, and highways within the city which rights-of-way are owned by the city or state or otherwise maintained by the city or the state.
- (288) Riverine. Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
- (289) 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.

- (290) 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.
- (291) Salvage Yard (or Operation). 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.
- (292) Sand Dunes. Naturally occurring accumulations of sand in ridges or mounds landward of the beach.
- (293) School. Any public or private institution for the teaching of children.
- (294) 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.
- (295) Self-Service Ice Vending Machine. A stand-alone ice production machine that may operate without full time service personnel. These units are activated by the insertion of money, credit cards, check cards, token, or similar means; ice is bagged automatically or dispensed in bulk outside to the consumer. In addition to site plan review by the Zoning Administrator, several permits and approvals including but not limited to electrical, plumbing, sewer connection, city business license, and Health Department certification may be required. (Adopted 6-14-12)
- (296) Service Station. A building or lot dedicated to the rendering of automotive services such as the sale of gasoline, oil, grease, and accessories and the minor repair of automobiles such as tune-ups, brake adjustments, overhauling, and tire changes, excluding body work and painting.
- (297) 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 and Height Requirements."

- (298) Shopping Center. A total of three (3) or more commercial establishments, planned and constructed as a single unit, with off-street parking and loading facilities provided on the property. Shopping centers are related in location, size, and type of use to the trade area which they serve and are considered as such at the owner's discretion. This definition includes malls, commercial plazas, and community shopping areas.
- (299) 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.
- (300) Sign. Any surface, fabric, device, or display which bears lettered, pictorial, or sculptured matter, including forms shaped to resemble any human, animal, or product, designed to convey information visually and which is exposed to public view. The term "sign" shall include all structural members. A sign shall be constructed to be a display surface or device containing organized and related elements composed to form a single unit.
- (301) Sign, "A" Frame. Sign typically consisting of two (2) sign faces attached back-to-back by top hinges.
- (302) Sign, Animated. Sign that uses movement or change of lighting to depict action or create a special effect or scene.
- (303) 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.
- (304) Sign, Attached. Sign painted on, attached to and erected parallel to the face of, or erected and confined within the limits of, the outside facade of any building and supported by such building facade and which displays an

advertising surface.

- (305) Sign, Billboard. Sign that is greater than thirty two (32) square feet which advertises a business, product, organization, entertainment, event, person, place, or thing and which is located off-premises from the place of the advertised element(s).
- (306) Sign, Business Identification. Any sign which advertises an establishment, service, commodity or activity conducted upon the premises where such sign is located.
- (307) Sign, Changeable Copy. Sign on which informational content can be changed or altered by manual or electronic means.
- (308) Sign, Commemorative. Sign or plaque erected for the purposes of honoring a person, place or event.
- (309) Sign, Construction. Sign that identifies on-site construction and future development to occur on the property and typically containing the names of contractors, architects, and lending institutions.
- (310) Sign, Directional. Sign for public direction or information containing no advertisement or commercial identification of any product or service. Typically, these signs consist of directional arrows, business names or logos, the words “entrance”, “exit”, “parking”, etc.
- (311) Sign, Flashing. Sign, which contains or uses, for illustration, any lights or lighting devices, which change color, flashes or alternates, shows movement or motion, or changes the appearance of said sign or part thereof automatically.
- (312) Sign, Freestanding. Sign supported by structures or supports that are anchored in the ground and that is independent from any building or other structure(s).
- (313) Sign, Governmental. Sign provided and erected by a governmental entity which typically promote: (1) the health and safety of the community; (2) City sponsored events; (3) a public way finding system; and (4) any other City

activities as deemed appropriate by the City Manager.

- (314) Sign, Height. Sign height shall be computed as the distance from the base ground level to the top of the highest vertical attached component of the sign.
- (315) Sign, Incidental. Sign containing information necessary or convenient for persons coming onto a premises such as “hours of operation”, location of restrooms, etc.
- (316) Sign, Integral. Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials mounted on the face of a building.
- (317) Sign, Non-conforming. Sign that does not conform to the regulations of Article 17.
- (318) Sign, Non-profit. Sign promoting churches, schools and and/or other noncommercial institutions.
- (319) Sign, Off-premises. Sign used for directional purposes only with no advertising information and displayed for business or service activities at another location.
- (320) Sign, Open. Sign with a specific designated purpose of stating that a business is open or closed.
- (321) Sign, Outdoor Advertising. Any sign which advertises an establishment, service, commodity, goods or entertainment sold or offered on premises other than that on which such sign is located.
- (322) Sign, Permanent. Sign not designated as temporary.
- (323) Sign, Political. Sign displaying political candidacy and/or messages as related to an election date and allowed only within a limited time frame.
- (324) Sign, Portable. Sign attached on a moveable support frame without lighting.

- (325) Sign, Projecting. Sign attached and placed at a right angle to the facade of the associated structure.
- (326) Sign, Public Information. Sign provided an erected by a governmental entity or non-profit organization, which typically gives direction to governmental or community institutions, amenities, or displays regulations or notices.
- (327) Sign, Real Estate. Sign used to offer for sale, lease, or rent the property upon which it is placed.
- (328) Sign, Snipe. Sign of any material whatsoever that is attached in any way to a utility pole, tree, street sign or pole.
- (329) Sign, Subdivision Entrance. Sign identifying a development, located on-site, and at the major entrance point(s) to such development.
- (330) Sign, Special Event. Sign advertising a special community-wide event such as: community fishing tournaments, schools or civic events, and/or festivals.
- (331) Sign, Temporary. Sign that advertises or directs attention to a product, event, election, activity, meeting, exhibition or performance of any kind where such sign is not permanently affixed, placed, attached or erected, and may have time limitations.
- (332) Sign, Vehicle/Trailer. Sign mounted on a vehicle, boat, or trailer and used for advertising, promotional, or directional purposes.
- (333) 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 wind socks, wind vanes, banners, pennants, and flags.
- (334) Site Specific Development Plan. A plan of development submitted to the city to obtain one of the following zoning or land use permits or approvals:
- (a) Final Subdivision Plat,
 - (b) Conditional-Use Permit, or
 - (c) Planned Unit Development Plan.
- 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.

- (335) 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.
- (336) Solid Waste Disposal Facility. As defined in NCGS 130A-290(a)(35), any facility involved in the disposal of solid waste.
- (337) Solid Waste Disposal Site. As defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.
- (338) 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 city and its vicinity. Such facilities may include indigent care, shelter, and housing facilities, hotels, and other similar facilities.
- (339) Special Flood Hazard Area (SFHA). The land in the floodplain subject to a one (1) percent or greater chance of being flooded in any given year, as determined in Article 21-6.
- (340) Standard. A mandatory requirement.
- (341) Start, or Commencement of Construction. The date the building permit was issued, provided the actual start of substantial improvement, construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. The start of 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.

- (342) Storage. A deposition of commodities or items for the purpose of future use or safekeeping.
- (343) 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.
- (344) Storage, Self-Service. A building consisting of individual, small, self-contained units that are leased or owned for the storage of goods and wares.
- (345) Storm Drainage Facilities. The man-made system of inlets, conduits, or other such facilities, and appurtenances which collect, store, and convey stormwater.
- (346) Stormwater Discharge Control Design Plan. The set of drawings and other documents that comprise all of the information and specifications for the drainage systems, structures, concepts, and techniques that will be used to control stormwater discharges as required by this chapter and the City of Southport Stormwater Management Technical Manual. Also included are the supporting engineering calculations, input data for any computer analysis, and results of any computer analysis.
- (347) Stormwater Discharge Control Facilities, Off Site. The design and construction of a facility necessary to control stormwater runoff for multiple sites.
- (348) Stormwater Discharge Control Facilities, On Site. The design and construction of a facilities necessary to control stormwater runoff within and for a single development.

- (349) Stormwater Discharge Control Plan, Preliminary. The overall proposal to control discharges from the proposed development. Also included are the supporting engineering calculations, input data for any computer analysis, and results of any computer analysis needed for preliminary design of any stormwater discharge control facilities. This plan shall be in enough detail to determine if stormwater discharge control facilities will be needed.
- (350) Stormwater Management Technical Manual, City of Southport. Manual approved by the Board of Aldermen, which presents recommended design procedures and criteria for conducting hydrologic and hydraulic evaluations.
- (351) Story. That portion of a building between the surface of any floor and the floor or roof above it. The following are considered stories:
- (a) Mezzanine, if it extends one-third of the total floor area of the story immediately below it;
 - (b) Penthouse, if it exceeds one-third of the total area of the roof;
 - (c) Basement, if subdivided and used for dwelling or business purposes.
- (352) Street. A public thoroughfare which affords access to abutting property and is recorded as such in the office of the Brunswick County Registrar of Deeds. The following classifications apply:
- (a) Major Thoroughfares. Major thoroughfares consist of interstate, other freeway and expressway links, and major streets that provide for the expeditious movement of volumes of traffic within and through urban areas.
 - (b) Minor Thoroughfares. Minor thoroughfares are important streets in the urban system and perform the function of collecting traffic from local access streets and carrying it to the major thoroughfare system by facilitating a minor through traffic movement and may also serve abutting property.
 - (c) Residential Collector Street. A local access street which serves as a connector street between local residential streets and the thoroughfare system. Residential collector streets typically collect traffic from 100 to 400 dwelling units.

- (d) Local Residential Street. Cul-de-sacs, loop streets less than 2,500 feet in length, or streets less than one mile in length that do not connect thoroughfares, or serve major traffic generators, and do not collect traffic from more than 100 dwelling units.
 - (e) Cul-De-Sac. A short street having but one end open to traffic and the other end being permanently terminated and a vehicular turnaround provided. A cul-de-sac shall not exceed 750 linear feet in length.
 - (f) Frontage Road. A local street or road that is parallel to a full or partial access controlled facility and functions to provide access to adjacent land.
 - (g) 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.
- (353) Street Line. The right-of-way boundary of a street.
- (354) Street Types.
- (a) Public Street. A right-of-way for vehicular traffic dedicated and accepted by the North Carolina Department of Transportation or the City of Southport for public use.
 - (b) Private Street. A right-of-way for vehicular traffic which is constructed to acceptable public street standards for the City of Southport set forth in the Technical Standards and Specifications of the City of Southport Subdivision Regulations and dedicated to a select portion of the public. The responsibility for the maintenance of a private street shall be by an established owners' association or other private property owner legal agreements.
- (355) 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 18 of this Ordinance.

- (356) Structure. For floodplain purposes, a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground, or other manmade facilities or infrastructures.
- (357) Subdivider. Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.
- (358) Subdivision. All divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations contained herein:
- (a) 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;
 - (b) the divisions of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;
 - (c) the public acquisition by purchase of strips of land for the widening or openings of streets or for public transportation system corridors;
 - (d) 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.
- (359) Subdivision, Major. All subdivisions shall be considered major subdivision except those defined as minor subdivisions.
- (360) Subdivision, Minor. A minor subdivision is a tract to be subdivided which is five (5) acres or less in size:
- (a) which fronts on an existing approved street;
 - (b) not involving any new public streets, right-of-way dedication, or

- prospectively requiring any new street for access to interior property;
- (c) not requiring drainage improvements or easements to serve the applicant's property or interior properties;
- (d) not involving any utility extensions; and
- (e) not requiring any easements, other than rear and side lot line easements.

(361) Substantial Damage. Damage of any origin sustained by a structure during any one (1) year period whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. See definition of "substantial improvement." Substantial damage also means flood-related damage 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 (25) percent of the market value of the structure before the damage occurred.

(362) Substantial Improvement. Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one (1) year period for which the cost equals or exceeds fifty (50) percent 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 community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safety 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.

(363) 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.

- (364) 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.
- (365) Telecommunications Facility. A communications tower or antenna and any associated accessory structures and equipment.
- (366) Temporary Healthcare Structure. A temporary structure no more than 300 gross square feet that will house a single mentally or physically impaired person. Structure must be assembled off-site and meet the standards of the State Building Code. It must not be placed on a permanent foundation and may be required to connect to water, sewer and electric utilities. Only one such structure is permitted per lot. Subject to all requirements of North Carolina General Statute 160A-383.5. (Adopted 3-12-15)
- (367) Telephone Communication Facility, Unattended. A windowless structure containing electronic telephone equipment that does not require regular employee attendance for operating.
- (368) Temporary Structure. A prospective structure, intended for limited duration, to be located in the floodplain overlay district, for which a plan meeting the requirements of Section 21-25(F) has been approved by the Administrator.
- (369) Ten (10)-Year, 25-Year, 50 Year, and 100-Year Storms. Rainfall intensity with a probability of being equaled or exceeded, on the average, in any given year 10%, 4%, 2%, and 1% of the time, respectively. The selected duration should produce the maximum peak rate of runoff for the watershed of interest, under average antecedent wetness conditions.

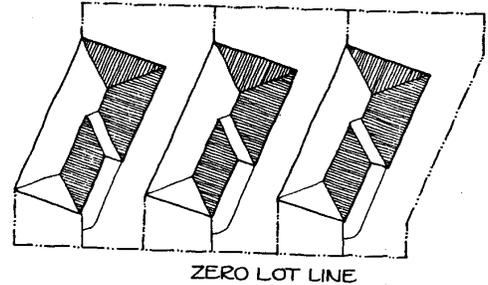
- (370) Thoroughfare Plan. The official major thoroughfare plan of Southport, North Carolina, as adopted by the Southport Planning Board and the North Carolina Department of Transportation.
- (371) Tower. Any structure whose principal function is to support antenna.
- (372) Towing Service, Automotive 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 city.
- (373) Townhouse. A principal structure containing two (2) or more single-family attached dwelling units with each unit on its own individual lot. All townhouse developments shall be subject to multiple family dwelling provisions of this chapter, with the following exceptions:
- (a) 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.
 - (b) No unit shall be connected on more than two (2) sides by common walls.
 - (c) 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.
- (374) 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 Brunswick County Registrar of Deeds.
- (375) Tract Area. The total acreage/square footage of the entire tract being developed.

- (376) 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.
- (377) 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.
- (378) Use-By-Right. A use which is listed as an unconditionally permitted activity in this Ordinance.
- (379) 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.
- (380) Use, Non Farm. Any use of property which is not encompassed by the definition of a farm as so defined in this Ordinance.
- (381) Variance. A grant of relief from the requirements of this Ordinance that permits construction in a manner otherwise prohibited by this Ordinance.
- (382) 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.
- (383) Violation (Floodplain). The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Article 21 Parts 2 and 3 is presumed to be in violation until such time as that documentation is provided.
- (384) 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.
- (385) Visible. Capable of being seen without visual aid by a person of normal

visual acuity.

- (386) Water Surface Elevation (WSE). The height, in relation to mean sea level of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.
- (387) 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.
- (388) 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.
- (389) Wholesale. Sale of a commodity for resale to the public for direct consumption.
- (390) 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.
- (391) Yard, Front. The space on the same lot with the principal building between the building (exclusive of steps) and the front property or street right-of-way line and extending across the full width of the lot.
- (392) 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.

(393) 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.



(394) 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.

(395) 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 city, fully meets the requirements of this Ordinance.

(396) Zoning Vested Right. A right pursuant to N.C.G.S. 160A-385.1 to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan.

Section 2-3: Interpretation of Zoning District Boundaries

- (A) Streets, rights-of-way, and easements. Unless otherwise specifically indicated, where district boundaries are indicated on the zoning map as approximately following the centerline of a street, highway, railroad right-of-way, utility easement, stream or riverbed, or of such lines extended, then such lines shall be construed to be such district boundaries.
- (B) Lot lines. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (C) Corporate Limits. Boundaries indicated as approximately following the

corporate limits shall be construed as following the corporate limits.

- (D) Property divisions. If a district boundary divides a lot, the requirements for the district in which the greater portion of the lot lies shall be extended to the balance of the lot; provided, that such extension shall not include any part of such lot which lies more than one hundred (100) feet beyond the district boundary; and further provided, that the remaining parcel shall not be less than the minimum required for the district in which it is located.
- (E) Vacation and abandonment. Where any public street or alley is hereafter officially vacated or abandoned, the regulations applicable to parcels abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.
- (F) Further interpretation. In case any further uncertainty exists, the Board of Adjustment shall interpret the intent of the map as to location of such boundaries.