

ARTICLE 8: DEFINITIONS AND MEASUREMENT

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Section 8.1 Rules of Measurement

Straight Lines. Unless otherwise stated in this ordinance, distances specified in this ordinance are to be measured as the length of an imaginary straight line joining two points.

Rounding. All calculations that result in part of a whole number shall be rounded up to the next highest whole number, unless otherwise provided in this section or elsewhere in this ordinance.

Irregular Shapes. In cases where an irregular shape complicates the application of these standards, the UDO Administrator shall determine the applicable dimensional, setback, or bulk standards.

Section 8.2 Word Interpretation

For the purposes of this ordinance, certain words shall be interpreted as follows. If a term used in this ordinance is not defined, the UDO Administrator is to interpret the term in accordance with professionally accepted sources.

- 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,” and “tract.”
- 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 words “Planning Board,” “Zoning Commission,” or “Planning Commission” shall mean the “City of Southport Planning Board.”
- O. The word “city” shall mean the “City of Southport,” a municipal corporation of the State of North Carolina.
- P. The words “map,” “zoning map,” and “Southport Zoning Map” shall mean the “Official Zoning Map for the City of Southport, North Carolina.”
- Q. The words “Board of Adjustment” shall mean the “City of Southport Board of Adjustment.”

Section 8.3 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. Specific

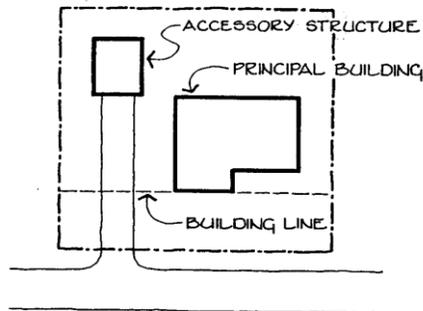
definitions relating to floodplain development and wireless communication are included in Articles 5 and 7 of this ordinance, respectively.

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 (7) days.

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.

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.



Accessory use. A use incidental to, and the same lot as, a principal use.

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.

Adult Establishment. Retail or service establishments as defined per NCGS 14-202.10 and/or those which are characterized by an emphasis on sexual activity and/or specified anatomical areas, including, but not limited to:

- A. Any bookstore, video store or other establishment in which a substantial portion of its stock in trade is devoted to printed matter or visual representation of specified sexual activities or specified anatomical areas;
- B. Any movie theater offering movies or other displays or any establishments offering coin-operated devices, which emphasize specified sexual activities or specified anatomical areas;

- C. Any cabaret, club, tavern, theater or other establishment which offers entertainment emphasizing specified sexual activities or specified anatomical areas; or
- D. Any establishment offering massage or similar manipulation of the human body, unless such manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional licensed by the state.
- E. The term "adult entertainment" does not include massages or similar manipulation offered at an athletic club, health club, school, gymnasium, spa or similar establishments.

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.

Alley. A strip of land, owned publicly or privately, set aside only for secondary vehicular service access to the back or side of properties otherwise abutting on a street.

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.

Antenna. Equipment designed to transmit or receive electronic signals.

Apartment. A room or suite of one (1) or more rooms, each of which has kitchen facilities and is designed or intended to be used, as an independent unit, on a rental basis.

Appeal. A request for review of the final decision of any provision of this ordinance.

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 in accordance with the provisions of this ordinance.

Arborist. An arborist shall be an individual trained in arboriculture, horticulture, forestry, ornamental horticulture or urban forestry, who possesses the technical competence through demonstrated experience to provide plans for and supervise the protection, maintenance and management of trees and other woody plants in relation to land development and construction. In addition, the arborist shall hold current certification and membership in good standing with the ISA (International Society of Arboriculture) or ASCA (American Society of Consulting Arborists).

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.

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

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

Automotive, Major. Establishments engaged in vehicle sales (including motorcycles, RVs, and other consumer motor vehicles), rental, towing, and major repair such as transmission, engine repair, bodywork, and repainting.

Automotive, Minor. Establishments that are primarily engaged in washing cars, tire sales, gasoline sales, minor repair such as diagnostic work, lubricating, wheel alignment and inspections, but no vehicle sales or rental.

Bed and Breakfast. 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.

Block. A piece of land bounded on one (1) or more sides by streets or roads.

Board of Adjustment. A quasi-judicial body, composed of representatives from the City of Southport, which is given certain powers under and relative to this ordinance.

Board of Aldermen. The Board of Aldermen of the City of Southport.

Bottle Shop or Wine Bar. An establishment primarily devoted to the sale of alcoholic beverages for on-site consumption, where the sale of food is incidental or does not take place. Sale of spiritous liquor or mixed beverages not permitted.

Buffer. Any visual buffer or screening required by this ordinance.

Building Envelope. The portion of a lot remaining after required yards have been made and setbacks met.

Building. Any structure built for support, shelter, or enclosure for any occupancy or storage.

Building, Accessory. See accessory structure.

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

Building Inspector. The person, officer, and his authorized representatives, whom the City Manager has designated as their agent for the administration and enforcement of the City building codes and minimum housing code.

Building Line Minimum. A line parallel to the property line which establishes the minimum allowable distance between the nearest portion of any building.

Building Permit. An official administrative authorization issued by the city prior to beginning construction consistent with the provisions of NCGS 160A-417.

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

Building Site. Any lot, or portion thereof, or two (2) or more contiguous lots, or portions thereof, of a parcel of land upon which a building or buildings may be erected in conformance with the requirements of this ordinance.

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

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 Environmental Quality (NCDEQ) Division of Coastal Management (DCM).

Certificate of Occupancy. Official certification that a premises conforms to provisions of this ordinance and the Building Code and may be used or occupied. Such a certificate is granted for new construction or for alterations or additions to existing structures or a change in use. Unless such a certificate is issued, a structure cannot be occupied.

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

Certify. Whenever this ordinance requires that some agency certify the existence of some fact or circumstance to the 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.

Change of Use. A lot, structure, or property where the zoning use has been modified or altered in accordance with the uses permitted in this ordinance.

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.

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 in addition to other associated activities and offices.

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.

City. The City of Southport, North Carolina.

Club or Lodge. An incorporated or unincorporated association for civic, social, cultural, fraternal, literary, political, recreational or like activities operated on a nonprofit basis for the exclusive benefit of its members, and recognized as a nonprofit organization by the State of North Carolina.

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).

Commercial Parking 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.

Commercial Recreation, Indoor. A commercial use that is typically indoors and that provides recreational, amusement, and entertainment opportunities. Examples include billiards, bowling, dinner theaters, fortune tellers, skating rinks, pickleball, and coin-operated games.

Commercial Recreation, Outdoor. A commercial facility that is typically outdoors and that provides entertainment, recreational, and amusement opportunities. Examples include water parks, mazes, and miniature golf.

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.

Special Use. A use permitted in a particular zoning district in a specified location that complies with certain findings of fact and other conditions as specified in this ordinance.

Special Use Permit. An authorization which may be subject to any specific restrictions or conditions on its size, location, construction, hours of operation, character of use, and other fair and reasonable conditions as specified by the approval. The term includes permits previously referred to as conditional use permits.

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.

County Commission. The Board of Commissioners of Brunswick County, North Carolina.

Critical Root Zone. The minimum area surrounding a tree that is considered essential to support the viability of the tree and is equal to a radius of one and one-half foot per inch of trunk diameter (Diameter at Breast Height).

Crown. The totality of branches, twigs, and leaves extending from the trunk or main stem(s).

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

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

Daycare, Child. 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.

Daycare, Adult. The provision of group care and supervision 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 (3) people or less; (2) those that care for two (2) 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.

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.

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

Developed Peak Discharge Rates. The peak discharge rates, in cubic feet per second, calculated using developed land use conditions.

Developer. A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

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

- A. The construction, erection, alteration, enlargement, renovation, substantial repair,

- movement to another site, or demolition of any structure.
- B. The excavation, grading, filling, clearing, or alteration of land.
 - C. The subdivision of land as defined in NCGS 160D-8-2.
 - D. The initiation or substantial change in the use of land or the intensity of use of land.

Diameter at Breast Height (DBH). The diameter or width of the main stem of a tree as measured 4.5 feet above the natural grade at its base. Whenever a branch, limb, defect or abnormal swelling of the trunk occurs at this height, the DBH shall be measured at the nearest point above or below 4.5 feet at which a normal diameter occurs. Trees consisting of two (2) or more stems in which the fork is below DBH are considered as separate trees and the diameter is measured for each stem separately. If a fork occurs exactly at DBH, the diameter measurement is taken immediately below the enlargement caused by the fork.

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.

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.

Dock. A structure, typically comprised of wood, that extends alongshore or outwards from the shore into a body of water that allows access to the water or to moored boats or watercraft. A dock may include the placing of piling, dolphins of any type, fender, ramp, floating dock, boat lift, gazebo, or other structure occupying the area beyond the high-water line. Docks may be utilized as a principal or accessory structure where permitted.

Drainage facilities. See storm drainage facilities.

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

Drive-in Facility. An establishment at which employees provide 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.

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

Dwelling. Any building, structure, or part thereof, used and occupied for human habitation or intended to be so used. This term does not include a manufactured home, mobile home, recreational vehicle, or travel trailer.

Dwelling, Multi-family. A single structure comprised of three (3) or more dwelling units, with

the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, Single-family. A detached building designed for or occupied exclusively by one (1) family.

Dwelling, Two-family (duplex).

A detached residential building containing two (2) dwelling units, designed for occupancy by not more than two families. Units must share a common wall. A duplex dwelling structure shall be located on a single lot and dwelling units may be sold separately from the land they are located on provided that each unit possess a separate entrance.

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.

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.

Electronic Gaming Operations. Any business or enterprise 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 cyber-cafes, who have a finite pool of winners. This does not include any lottery endorsed or permitted by the State of North Carolina.

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

Essential Site Improvements. Any construction or reconstruction of site development feature required by local, state, or federal regulations, ordinances, or laws, such as underground drainage, off-street parking, driveways, retention areas or similar improvements required for the intended use of the site.

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

Expansion to an Existing Manufactured Home Park. The preparation of additional sites by

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

Extraterritorial Jurisdiction. The area beyond the corporate limits within which the planning and zoning regulations of the city apply in accordance with state law. Such area is delineated on the official zoning map for the City of Southport.

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.

Family. One (1) or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit; provided that a group of five (5) or more persons who are not within the second degree of kinship shall not be deemed to constitute a family.

Family Care Home. An adult care home having two (2) to six (6) residents. The structure of a family care home may be no more than two (2) 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 (2) direct exterior ground level accesses to the upper story.

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

FAR (Floor Area Ratio). The maximum square foot amount of total floor area including all stories and all uses permitted for each square foot of land area.

Fence. A continuous barrier constructed of wood, stone, steel, or wire or other similar material.

Fishing Pier and Docks. The placing of piling, dolphins of any type, fender, ramp, floating dock, boat lift or other structure occupying the area beyond the high-water line.

Flag. Sign of flexible materials such as cloth, paper, or plastic and typically displayed on a flagpole, or structure. Windssocks 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.

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

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. Flea markets differ from traditional retail operations due to the open-air retailing of goods.

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

Floor Area (for determining off-street parking). The term "floor area" means the sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such use, including outdoor seating or retail areas. Where multiple uses occupy a structure each applicable parking ratio shall apply. However, the term "floor area," for the purposes of measurement for off-street parking spaces, shall not include:

1. Floor area devoted to primarily storage purposes (except for those uses principally involved in the storage of goods); or
2. Basement floors other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

Floor area, gross. 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.

Food Truck. A motorized or trailered vehicle with power on board, refrigeration, food preparation facilities, and usually room for two (2) or four (4) employees. Food trucks shall also be considered a mobile vendor for the purposes of this ordinance.

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.

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

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

Functionally Dependent Facility. A facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair or seafood

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

Funeral Home. An establishment that provides human funeral services, including embalming and memorial services. Crematories are permitted accessory uses to a funeral home.

Furrier and Fur Storage. A person who prepares or deals in furs. Tannery operations not included.

G.S. North Carolina General Statute.

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.

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.

Grading. Altering the shape of the ground surface to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

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

Guideline. An objective.

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

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

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.

Hazard Tree. A tree can be considered a potential hazard if it is situated in an area frequented by people or is located adjacent to valuable facilities and has structural defects which predispose it to mechanical failure in whole, or in part, that may result in property damage, personal injury or death, and the likelihood of this failure exceeds an acceptable level of risk as determined by the UDO Administrator or certified arborist.

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.

Health Services. This use type provides medical or surgical care and treatment to patients as well as laboratory services. Accessory uses may include offices, laboratories, laundry facilities, teaching facilities, and meeting areas. Hospitals are not included.

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

Highest Adjacent Grade (HAG). The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

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.

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.

Hotel, Motel or 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.

Hotel, Residential or Boutique. 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 or boutique hotels shall not include dwelling units as defined in this ordinance, but may include services ordinarily provided by hotels, such as maid, desk, and laundry services. These hotels may differentiate themselves from larger chain/branded hotels and motels by providing personalized accommodation and services/facilities. Sometimes known as “design hotels” or “lifestyle hotels”.

Hospital Emergency Air Ambulance Helipad. 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.

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. Soils compacted by urban development are also highly impervious. Unwashed crushed stone containing fines is impervious. Impervious surface does not include a slatted deck; the water area of a swimming pool; a surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four (4) inches thick over a geotextile fabric; or a trail as defined in NCGS 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour).

Impervious Surface Ratio. The ratio of the total area of impervious surface as defined in definition.

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

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

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

Inspector. The building inspector for the City of Southport.

Institutional Care Facility, Adult. 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, 11 of whom live together as a single housing unit.

Institutional Care Facility, Child and Handicapped. An institutional facility housing more

than nine (9) orphaned, abandoned, dependent, abused, or neglected children. An institutional facility housing and providing care or assistance for more than nine (9) persons who are physically or mentally handicapped or infirm.

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.

Introduced Tree. Any non-existing tree that is planted during the development of a property.

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 180 days.

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

Junk Yard. 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.

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 (5) years-old and appears to be worth less than \$500.00; or (4) does not display a current license plate, unless stored within an enclosed structure.

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

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.

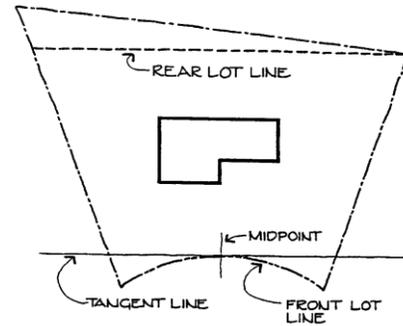
Levee System. A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound and engineering practices.

Loading and Unloading Area. That portion of the vehicle accommodation area used 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. Off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

Lot. A legally described piece of contiguous land that has been or may be developed as a unit. The term lot include the words plot, parcel, and tract.

Lot, Area. The parcel of land enclosed within the boundaries formed by the property lines.

Lot, Corner. A parcel of land having frontage on more than one (1) street (road) which abuts an intersection of those streets (roads). For a corner lot adjoining a side lot line, there shall be a side yard on the street side of a corner lot, which shall have a width of not less than fifty percent (50%) of the front yard depth required for the adjacent lot to the rear of such corner lot when such adjacent lot fronts on the side street of the corner lot. No such side yard shall be less than eight (8) feet, except on lots having a width of less than 50 feet, for which lots the minimum side yard on the street side of the lot shall be four (4) feet.



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

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.

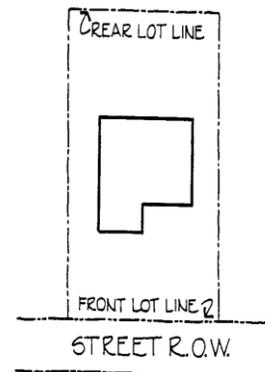
Lot, Flag. Lots or parcels with less frontage on a public street than is normally required. The panhandle is an access corridor to lots or parcels located behind lots or parcels with normally required street frontage.

Lot, interior. A lot other than a corner lot with only one (1) frontage on a street.

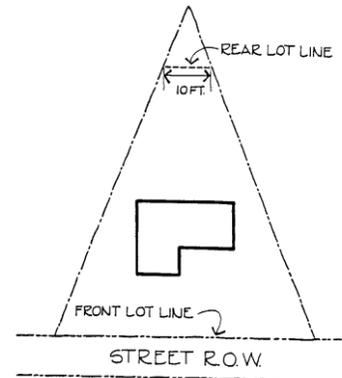
Lot line. Any boundary of a parcel of land.

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;



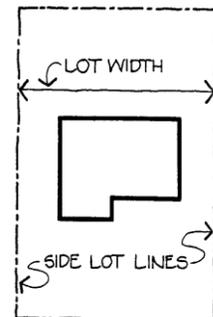
- B. If a lot has two (2) property lines which are also street right-of-way lines abutting different streets and those two (2) property (street right-of-way) lines form an angle between 80 degrees and 100 degrees, then the shorter of those two (2) lines shall constitute the front property line; if both 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 UDO Administrator.



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.

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

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



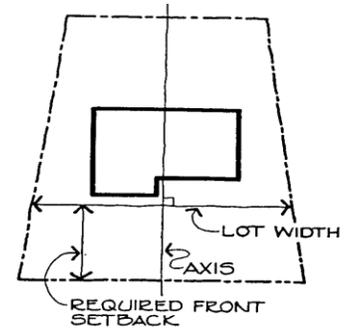
Lot of Record. A lot which has been recorded in the office of the Registrar of Deeds of Brunswick County, or a lot described by metes and bounds, the description of which has been recorded in the aforementioned office.

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

Lot, Through or Double Frontage. A lot other than a corner lot with frontage on one (1) or more streets. Through lots abutting two (2) streets may be referred to as double frontage lots.

Lot Width. The straight-line distance between the points where the building front yard setback line intersects the two side lot lines.

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:



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

Manufactured Home. A structure, transportable in one (1) 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 and meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development. The term manufactured home does not include a recreational vehicle or travel trailer and satisfies each of the following criteria:

- A. The home has a length not exceeding four (4) times its width;
- B. The pitch of the home's roof has a minimum vertical rise of one (1) foot for each five (5) 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.

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.

Manufactured Housing Park. A parcel (or contiguous parcels) of land consisting of two (2) or more manufactured home lots for rent or sale.

Manufacturing, Artisan. On-site production of goods by hand manufacturing involving the use of hand tools and small-scale light mechanical equipment. Typical uses include woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts or very small-scale manufacturing uses that have very limited, if any, negative external impacts on surrounding properties, water resources, air quality and/or public health.

Manufacturing, General. Manufacturing, bulk storage, and/or handling of finished or unfinished products primarily from extracted, raw, recycled, or secondary materials. Typical uses include boiler shops, textile mills; textile product mills; apparel manufacturing; leather and allied product manufacturing; wood product manufacturing; nonmetallic mineral product manufacturing; transportation equipment manufacturing; and food packing, canning, and manufacturing. Industrial service firms engaged in the repair or servicing of industrial or commercial machinery, equipment, products, or by-products.

Manufacturing, Intensive. Manufacturing and processing of products and chemicals including but not limited to: gypsum or plaster-of-Paris, stone, clay, glass, cement, concrete, fertilizer, insecticides, disinfectants, petroleum products, coal, and synthetic resins. This group also includes primary metal manufacturing, fabricated metal product manufacturing, smelting, paper manufacturing, oil refining, fuel bulk storage facilities, and electricity generating facilities, as well as any manufacturing or processing facility which has a high potential for significant negative external impacts on surrounding properties, water resources, air quality and/or public health.

Manufacturing, Limited. Manufacturing of finished parts or products, primarily from previously prepared materials. Typical uses include: printing and related support activities; machinery manufacturing; computer and electronic product manufacturing; electrical equipment, appliance, component manufacturing/assembly; furniture and related product manufacturing/assembly; and other manufacturing and production establishments.

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. Commercial marina includes dry stack boat storage facilities with vertical storage of boats in a rack system, to be accessed by a high-capacity forklift and stashed on a rack, ready for quick retrieval.

Maritime Sales, Rental, and Service. Uses involved in the sales, rental, service, repair, cleaning, and temporary storage of boats, watercraft (including non-motorized watercraft), and trailering devices.

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.

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.

Microbrewery. A microbrewery as permitted by NCGS 18B-1104 is an enterprise which engages in one or more of the following: (1) Manufacture, purchase, import, possess and transport ingredients and equipment used in the manufacturing of malt beverages; (2) Sell, deliver and ship malt beverages in closed containers at wholesale to exporters and local boards within the State, and, subject to the laws of other jurisdictions, at wholesale or retail to private or public agencies or establishments of other states or nations; (3) Give its products to its employees and guests for consumption on its premises.

Microdistillery. A distillery as permitted by NCGS 18B-1105 is an enterprise which engages in one or more of the following: (1) Manufacture, purchase, import, possess and transport ingredients and equipment used in the distillation of spirituous liquor; (2) Sell, deliver and ship spirituous liquor in closed containers at wholesale to exporters and local boards within the State, and, subject to the laws of other jurisdictions, at wholesale or retail to private or public agencies or establishments of other states or nations; (3) Transport into or out of the distillery the maximum amount of liquor allowed under federal law, if the transportation is related to the distilling process.

Mixed-use. One or more dwellings located on an upper floor over a non-residential use(s) located on a lower floor or ground level.

Mobile Vendor. A readily movable trailer or motorized wheeled vehicle, currently registered with the NC Division of Motor Vehicles, designed and equipped to serve food and/or sell merchandise.

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 NCGS 143- 139.1, and is placed on a permanent foundation and used for residential purposes.

Modular Unit. A factory-built structure that is designed and built in one (1) 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 State Building Code.

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

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

NAICS Code. The North American Industry Classification System (NAICS) is the standard used by Federal statistical agencies in classifying business establishments for the purpose of

collecting, analyzing, and publishing statistical data related to the U.S. business economy. For the purposes of the UDO, the NAICS code may assist the UDO Administrator in interpretation of particular uses in accordance with other professionally accepted sources.

National Geodetic Vertical Datum (NGVD). As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

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

NCGS. North Carolina General Statute.

Net Buildable Area. The total area within the project property boundary less:

- A. sediment basins and water retention ponds wetlands (404/jurisdictional), defined by CAMA and/or US Corps of Engineers;
- B. water and wastewater treatment facilities;
- C. local or state designated historic sites; and
- D. water areas including seasonal ponds.

New Construction. Structures and development activity that occurs on a previously vacant lot. For the purposes of this ordinance, new construction does not include redevelopment except where otherwise defined within Article 5.

Nightclub. An establishment in which alcoholic beverages are served for on-site consumption and which may offer recorded or live music performance.

Nonconforming Structure or Use. Any legally existing structure or use which fails to comply with the provisions of the ordinance.

Nonresidential Use or District. When referring to a use, it shall be those uses in the “nonresidential” section of the Table of uses. When referring to a zoning district or “district,” it shall be the following zoning districts: O-I, CBD, BD, HC, LI, and HI. However, it should be noted that within a PUD nonresidential uses may be included.

Nursing and Personal Care Facility. A facility, however named, which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for three (3) 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. The term nursing and personal care facility includes an assisted living residence and multiunit assisted housing with services as defined in NCGS 131D-2.1.

Office, General. Use types that provide for activities that are conducted in an office setting and generally focus on business, professional, or financial services. Examples include offices for conducting the affairs of a general business establishment, financial services or sales of real estate or other personal property, banking, stock brokerage, investment services, real estate sales, offices for lawyers, accountants, engineers, and similar professions. Accessory uses may include cafeterias, day care facilities, recreational or fitness facilities, parking, or other amenities primarily for the use of employees in the office.

Official Maps or Plans. Any maps or plans officially adopted by the City of Southport Board of Aldermen.

Outdoor Display. The placement of products or materials and associated appurtenances for sale or rent outside the entrance of a retail establishment.

Outdoor Vending Machine. A machine or other mechanical device or container that dispenses a product or service through a self-service method of payment, but not including a news rack; a machine dispensing fuel, compressed air, or water at an automobile service station; or a public telephone. Self-service ice vending machines shall not be included within this definition.

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.

Parking Area, Aisles. A portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.

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

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

Parks and Recreation Area, Municipal. Government established community parks and recreation areas.

Permeable Paving. Any paving which, due to its inherent nature or construction, allows fluids and gases to penetrate through it in at least some areas.

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.

Personal Service Establishment. Use types related to the provision of services or product

repair for consumers. Personal services use types meet frequent or recurrent service needs of a personal nature, including the repair of small personal items such as shoes, watches, jewelry, and clothing. Examples include banks, credit unions, print shops, massage therapy and day spas, gymnasiums, fitness centers, photography studios, photocopy services, barber/beauty shops, and tanning and nail salons.

Planned Unit Development (PUD). A development constructed, planned, and developed as an integral unit.

Planning Board. A commission appointed by the City Board of Aldermen and by the Brunswick County Board of Commissioners.

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

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

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.

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.

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

Preserved Tree(s). Any tree or groups of trees existing prior to development of a property that is protected so that it remains after the development has been completed.

Private Driveway. A roadway serving two (2) or fewer lots, building sites, or other division of land, and not intended to be public ingress or egress.

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

Pruning. The elimination of part of the branching structure of a tree's crown to improve tree structure, enhance vigor and/or maintain safety.

Pruning Standards. Generally accepted standards for pruning as defined in the current edition

of Pruning Standards by the American Society of Consulting Arborists.

Public Tree. Any tree on public lands, which are City-owned property and/or located within City right of way (ROW).

Recreational Vehicle (RV) means a vehicle, which is:

- A. built on a single chassis;
- B. 400 square feet or less when measured at the largest horizontal projection;
- C. designed to be self-propelled or permanently towable by a light duty truck; and
- D. designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use.

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.

Redevelopment. Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure or lot, including demolition and replacement of a structure, taking place during any one-year period. Redevelopment may also be associated with a change of use.

Regulated Tree. The subsurface roots, crown and trunk of any self-supporting woody perennial plant such as a large shade tree, which usually has one (1) main stem or trunk, and has a measured DBH as follows:

- A. A hardwood tree, having a single trunk at least eight (8) inches in DBH. Trees may have single or multiple trunks but at least one trunk must measure eight (8) inches in diameter.
- B. A coniferous tree, having a single trunk at least 12 inches in DBH.
- C. Any tree, of any species, with a DBH of 30" or more. (Specimen tree)

Remove (including removing and removal). The cutting down of any live or dead regulated tree and all other acts which cause the death or destruction of any regulated tree.

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

Reserve Strip. A strip of land created for the purpose of controlling the access to streets or other public rights-of-way from adjoining property.

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

Residential Use or District. When referring to a use, it shall be those uses in the “residential” section of the Table of uses. When referring to a zoning district or “district,” it shall be the following zoning districts: R-10, R-20, MF, PUD, and OS.

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. 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.
- B. Fast Food: Same as “carry-out,” but includes allowing consumption within the principal building.
- C. 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.

Retail sales. Use types involved in the sale or lease of new or used products to the general public. Accessory uses may include offices, display of goods, limited assembly, processing, or repackaging of goods for on-site sale. Retail sales does not include the following:

- A. Repair and service establishments.
- B. Bars, nightclubs, restaurants, and similar eating establishments.
- C. An establishment that provides financial, professional, or business services in an office setting.
- D. An establishment that involves the sale, distribution, or presentation of materials or activities emphasizing sexually explicit content.

Retail Sales, Major. A retail sales establishment that has more than 5,000 square feet of floor area.

Retail Sales, Minor. A retail sales establishment that does not include a drive-through and is less than 3,000 square feet in floor area.

Retail Sales, Moderate. A retail sales establishment that is between 3,000 and 5,000 square feet in floor area.

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

Right-of-Way. 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. Right-of-way may be in an improved or unimproved state.

Sales Office, Temporary. An office established within the boundaries of a subdivision or

development which is used for the promotion and sales of real property solely within that subdivision or development.

Salvage operations. 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.

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.

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. Such vending machines and similar detached accessory uses are larger in scale and footprint than an outdoor vending machine, which is typically accessible to a pedestrian rather than a vehicle.

Setback. The required distance between a structure and the lot lines of the lot on which it is located.

Setback, Front. The setback measured from the front lot line(s).

Setback, Rear. A setback from an interior lot line lying or rear lot line on the opposite side of the lot from the front setback.

Setback, Side. The side yard setback shall extend from the required front yard setback line(s) to the required rear yard setback line and shall be measured from the side lot line.

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.

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.

Sign, "A" Frame. Sign consisting of two (2) sign faces attached back-to-back by top hinges.

Sign, Animated. Sign that uses movement or change of lighting to depict action or create a special effect or scene.

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 (2) sides joined at an angle of greater than 60 degrees, the surface of both sides of the sign shall be included in the computation of area.

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.

Sign, Billboard. Sign that is greater than 32 square feet and which is located off-premises from the place of the information contained on the sign.

Sign, Business Identification. Any sign which contains information regarding the premises where such sign is located.

Sign, Changeable Copy. Sign on which informational content can be changed or altered by manual or electronic means.

Sign, Construction. Sign that is on-premise and associated with a site with an active building permit.

Sign, Directional. Sign for public direction or information. Typically, these signs consist of directional arrows, business names or logos, the words "entrance", "exit", "parking", etc.

Sign, Electronic Message Center. An electrically activated changeable sign whose variable message and/or graphic presentation capability can be electronically programmed by computer from a remote location. Also known as an EMC. EMCs typically use light emitting diodes (LEDs) as a lighting source.

Sign, Feather Flag. A narrow, tall, flag-like banner sign often made of flexible material that moves with wind. These signs have different names such as flutter flags, swooper flags, blade flags, and teardrop flags.

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.

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).

Sign, Governmental. Sign provided and erected by a governmental entity.

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 prior to the placement of any fill.

Sign, Incidental. Sign containing information necessary or convenient for persons coming

onto a premises such as “hours of operation,” location of restrooms, etc.

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.

Sign, Legal Nonconforming. A sign that met all legal requirements when constructed, but that is not in compliance with this ordinance. An illegal sign is not a legal nonconforming sign.

Sign, Nonconforming. Sign that does not conform to the regulations of this ordinance.

Sign, Noncommercial. Sign associated with noncommercial institutions.

Sign, Off-premises. Sign containing information which does not occur on the site at which the sign is located.

Sign, Open. Sign with a specific designated purpose of stating that a business is open or closed.

Sign, Outdoor Advertising. Any sign which contains information about an establishment other than that on which such sign is located.

Sign, Permanent. Sign not designated as temporary.

Sign, Political. Sign displaying political candidacy and/or messages as related to an election date.

Sign, Portable. Sign attached on a moveable support frame without lighting.

Sign, Projecting. Sign attached and placed at a right angle to the facade of the associated structure.

Sign, Real Estate. Sign utilized by properties for sale, lease, or rent located on the property upon which it is placed.

Sign, Snipe. Sign of any material whatsoever that is attached in any way to a utility pole, tree, street sign or pole.

Sign, Subdivision Entrance. Sign located on- site and at the major entrance point(s) to such development.

Sign, Special Event. Sign advertising a community-wide event.

Sign, Temporary. Sign that is not permanently affixed, placed, attached or erected, and may have time limitations.

Sign, Vehicle/trailer. Sign mounted on a vehicle, boat, or trailer.

Sign, Wind. Signs composed of nylon, canvas, or plastic material which are decorative. These signs may include wind socks, wind vanes, banners, pennants, and flags.

Site Plan, Major. A plan for residential development of four (4) or more dwelling units on a lot; nonresidential development whereby 10,000 square feet or more of impervious surfaces are proposed; or all other development not subject to minor site plan approval.

Site Plan, Minor. A plan prepared for single-family residential uses, duplexes, and attached residential units consisting of three (3) or fewer dwelling units or for renovation/rehabilitation projects that will modify an existing structure's footprint. A minor site plan is not required for changes of use whereby no increase in impervious square footage or an enlargement in an existing structure's footprint is proposed. Nonresidential development projects whereby less than 10,000 square feet of impervious surfaces are proposed and accessory structures, construction/installation of fences/walls, piers, docks, decks, stairs, signs, and driveways must prepare a minor site plan.

Site Specific Development Plan. A plan of development submitted to the city to obtain one (1) of the following approvals for statutory vested rights in accordance with the procedures outlined in this ordinance:

- A. Final Subdivision Plat,
- B. Special 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.

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.

Solar Farm. The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing. The term applies, but is not limited to, solar photovoltaic (PV) systems, solar thermal systems, and solar hot water systems.

Solid Waste Disposal Facility. As defined in NCGS 130A-290(a)(35), any facility involved in the disposal of solid waste.

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.

Special Use Permit. A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. This definition includes permits previously referred to as conditional use permits.

Specimen Tree. Any tree, of any species, with a DBH of 30” or trunk circumference of 8’ or more. A tree which grows to such maturity provides significant aesthetic as well as practical benefits to the community at large.

Spotlight. An unshielded artificial light source or lamp designed to produce a narrow, well directed beam of light upon a small area.

Standard. A mandatory requirement.

Start of Construction. The date the building permit was issued.

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

Storage, Dry. The keeping of boats, watercraft, and other recreational vehicles to be accessed by the owner.

Storage, Outdoor. The keeping, in an unroofed area, of any goods, junk, material, or merchandise in the same place for more than 24 hours.

Storage, Self-service. A building consisting of individual, small, self-contained units that are leased or owned for the storage of goods and wares. No outdoor or dry storage shall be allowed in conjunction with the facility with the following exceptions: boats, cars; motorcycles; trailers; motor homes, pick-up trucks and similar-type and size vehicles; and building materials, which shall be an accessory to the principal use of self-service storage and subject to the required use standards.

Storm Drainage Facilities. The man-made system of inlets, conduits, or other such facilities, and appurtenances which collect, store, and convey stormwater.

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 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.

Stormwater Discharge Control Facilities, Off-site. The design and construction of a facility necessary to control stormwater runoff for multiple sites.

Stormwater Discharge Control Facilities, On-site. The design and construction of a facilities necessary to control stormwater runoff within and for a single development.

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.

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.

Story. That portion of a building between the surface of any floor and the floor or roof above it.

Street. A right-of-way which affords access to abutting property and constructed in accordance with the requirements of this ordinance.

Street Line. The right-of-way boundary of a street.

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 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.

Street Yard. The area of a parcel immediately adjacent to a street right-of-way and reserved for planting.

Structure. Anything constructed or erected, the use of which requires location in or on the land, or attachment to something having a permanent location in or on the land. 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.

Subdivider. Any person, firm, or corporation who proposes to subdivide or create a new lot.

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 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 of this ordinance.
- E. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

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

Subdivision, Minor. A minor subdivision is a tract to be subdivided which is five (5) acres or less in size or meets the criteria as provided in NCGS 160A-376(c):

- A. Fronts on an existing approved street;
- B. Does not involve any new public streets, right-of-way dedication, or prospectively requiring any new street for access to interior property;
- C. Does not require drainage improvements or easements to serve the applicant's property or interior properties;
- D. Does not involve any utility extensions; and
- E. Does not require any easements, other than rear and side lot line easements.
- F. However, if the subdivider owns, leases, holds an option on, or holds any legal or equitable interest in any property adjacent to or located directly across a street, easement, road, or right-of-way from the property to be subdivided, the subdivision shall not qualify under the minor subdivision procedure. Furthermore, the minor subdivision procedure may not be used a second time within three (3) years on any property less than 1,500 feet from the original property boundaries by anyone who owned, had an option on, or any legal interest in the original subdivision at the time the subdivision received preliminary or final plat approval.

Substantially Improved Existing Manufactured Home Park. Repair, reconstruction, rehabilitation, or improvement of the streets, utilities, and pads which equals or exceeds 50% of the value of the streets, utilities, and pads before the repair, construction, or improvement commenced.

Tattoo and Piercing Establishment. An establishment whose principal business activity is the inserting of permanent markings or coloration, or the producing of scars, upon or under human skin or the creation of an opening in the body of a person so as to create a permanent hole for the purpose of inserting jewelry or other decoration.

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.

Telephone Communication Facility, Unattended. A windowless structure containing electronic telephone equipment that does not require regular employee attendance for operating.

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.

Tower. Any structure whose principal function is to support antenna.

Towing Service, Automotive or Truck. A commercial enterprise, business or company established to tow or remove motor vehicles from one location to another. A towing service includes the temporary storage of motor vehicles at its site, but under no circumstances shall any motor vehicle remain on the premises of a towing service for more than 24 hours unless stored within an enclosed structure or the tow service is located in an industrial district. Such establishments are considered a Major Automotive use.

Townhouse. A principal structure containing three (3) 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 ordinance, with the following exceptions:

- A. All townhouse developments shall comply with the multi-family density requirements 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.

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.

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

Transitional Housing Facility. A facility configured as a multifamily development but operated and funded by a nonprofit, charitable, religious, or governmental organization to provide temporary housing and appropriate supportive services to families or individuals to facilitate movement to independent living over a 3 to 24-month period. A transitional housing facility may provide social services, counseling, and other programs to assist residents in the transition to permanent housing. This classification shall not be construed to include uses licensed or supervised by any federal, state, or county health/welfare agency, such as group homes, halfway houses, boarding homes for children, and convalescent nursing homes.

Travel Trailer. A recreational vehicle designed to be towed by a light duty truck.

Tree. Any species of self-supporting, perennial, woody plant normally capable of attaining a height of twenty (20) feet at maturity.

Tree Mitigation Fund. A fund established to receive money for compensation for damage to or removal of public trees, or for fees-in-lieu of preservation or replanting on a construction site. The funds will be utilized specifically to replant, maintain, or improve the health of the City's urban forest. Expenditure of these funds will be incorporated into the annual city budgeting process and follow the guidelines outlined in the City of Southport Urban Forest Management Plan (2011).

Tree Plan. A scaled site plan and other documentation that identifies preserved trees, newly planted trees, and other information as required by this ordinance.

Tree Value. The value of a Regulated tree that is unlawfully removed, destroyed, or altered in such a way that it has a deleterious effect on continued viability shall be determined at a rate of like kind replacement by a certified arborist retained by the City.

UDO Administrator. A person, or his or her designee, appointed by the City Manager to administer the regulations contained in this ordinance.

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

Use, 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.

Utility Plan. Detailed plans for the construction of utilities, including water, sewer, and stormwater, and showing connections to existing systems or plans for individual water supply systems and sewage disposal systems. Plans must show line sizes, the location of fire hydrants, blow-offs, manholes, pumps, force mains, gate valves, utility and maintenance easements, and daily estimated sewer flow figures. The type of construction materials and brand of appurtenances may require approval from the City of Southport, Brunswick County Utilities, and/or NCDOT. Plans shall include profiles based on mean sea level datum for gravity sanitary and storm sewers.

Variance. A grant of relief from the requirements of this ordinance that permits construction in a manner otherwise prohibited by this ordinance.

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

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

Warehousing, General. 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. General warehousing includes the wholesale of durable and non-durable goods.

Water Transportation. Water dependent uses such as docks, wharves, fishing piers, ferries, tugboats, barges, charter operations, and excursions. Such facilities may be used for nonresidential, residential, or public purposes.

Wholesale. Sale of a commodity for resale to the public for direct consumption, whether durable or non-durable. Non-durable goods include products that are consumed or are only usable for a short period, such as food, apparel, or fabrics.

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

Yard, Front. The space on the same lot with the principal building between the building and the front property or street right-of-way line and extending across the full width of the lot.

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

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

Yard Sale. The sporadic and infrequent sale of used personal items within residential areas. Such sales shall be temporary and limited to not more than twice per calendar year per property.

Zero Lot Line Structure. A structure placed on a lot such that a windowless common wall is placed on one side property line with no side setback and the remaining dimensional requirements of the zoning district are complied with.

Zoning Permit. A permit issued by the City conferring the right to undertake and complete the development or the use of property subject to the provisions outlined in this ordinance.

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 in accordance with the procedures outlined by this ordinance.