

Article 3: Zoning

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3.1 GENERAL

A. TYPES OF ZONING DISTRICTS

All land within the city's planning jurisdiction is classified by this ordinance to be within one (1) of the several base zoning districts or overlay districts respectively.

B. OVERLAY ZONING AREAS AND RELATIONSHIP TO ZONING DISTRICTS

Land within any base zoning district may also be classified into one (1) or more overlay zoning areas, as listed in Section 3.3, Overlay Zoning Districts. Regulations governing development in an overlay area shall apply in addition to the regulations governing development in the underlying district. If the standards governing a zoning district expressly conflict with those governing an overlay zoning area, the more restrictive standard shall control.

C. COMPLIANCE WITH DISTRICT STANDARDS

No land within the city shall be developed except in accordance with the zoning district use, use and development standards, and requirements of this article and all other regulations of this ordinance, as applicable.

3.2 BASE ZONING DISTRICTS

A. ESTABLISHMENT OF BASE ZONING DISTRICTS

For the purpose of this ordinance, the City of Southport and its extraterritorial jurisdiction is divided into the following classes of base zoning districts:

1. R-10: Residential District. Single and two-family residential district with 10,000 square foot minimum lot area.
2. R-20: Residential Agricultural District. Single and two-family residences with 20,000 square foot minimum lot area.
3. MF: Multi-Family District. A district designed to accommodate a variety of attached single-family dwellings up to a density of 11 units per acre.
4. MH: Manufactured Housing. A district established to offer affordable housing alternatives and to ensure the orderly development of such establishments.
5. CZ: Conditional Zoning District. A special district where uses and densities are established through public input for a development that has a high level of certainty of being constructed and the most commonly expected application will contain a specified use or uses, permitted by right or conditional use, on small- and large-scale projects.
6. PUD: Planned Unit Development District. A special district where multiple residential and commercial uses may be proposed and density and lot dimensions may be different from that of the base residential zoning districts in trade-off for significant dedication of open space, alternative housing types, and affordable development.
7. O/I: Office/Institutional District. A district designed for office/institutional uses at low to moderate densities and multi-family housing. This district should be used as a transitional zone between areas of conflicting land uses.

8. CBD: Central Business District. Restricted district in which commercial uses are densely developed in accordance with the City's historical commerce center.
9. BD: Business District. A commercial related district with lot and setback requirements suitable for placement abutting residential areas.
10. HC: Highway Commercial District. A district established for the retailing of durable goods, provision of commercial services to industrial areas, and the provision of services to transients.
11. LI: Light Industrial District. A district established to accommodate commercial warehousing and light industrial uses.
12. HI: Heavy Industrial District. A district designed for commercial, warehousing, and industrial uses.
13. OS: Open Space District. Areas of special public interest that should be placed in a zone protected from any development other than improvements or uses undertaken by the City of Southport.

3.3 OVERLAY DISTRICTS

A. ESTABLISHMENT OF OVERLAY DISTRICTS

For the purpose of this ordinance, the City of Southport is subject to the following overlay zoning districts:

- A. YBO: Yacht Basin Overlay District. The following uses are allowed in the areas shown on the Official Zoning Map of the City of Southport as the Yacht Basin Overlay District.
 1. Commercial Parking Lots are allowed, and the following standards shall apply:
 - a. Surfacing. Materials are limited to pervious pavers and number 57 driveway slate gravel. The perimeters of the parking lot will be delineated with wooden borders. Concrete or asphalt parking lot surfacing is prohibited in the overlay district.
 - b. Borders. 8"x8" wooden beams are to be used for horizontal lot boundaries. 4"x4" wooden posts are to be used for vertical boundaries.
 - c. Driveway Entrances. All driveway entrances to City rights-of-way or streets shall include an apron. Aprons are to be sized to contain surface aggregate and to consist of cast-in-place concrete, or with an alternative paving material (e.g. concrete pavers, brick, "turfstone" or similar pervious material) determined to exhibit equivalent wear resistance and load-bearing characteristics to concrete.
 - d. Maintenance. Off-street parking areas shall be properly inspected and maintained on a regular basis using industry standard best practices.

3.4 INTERPRETATION OF DISTRICT REGULATIONS

- A. Regulations for each district shall be enforced and interpreted according to the following rules:
 1. Uses by right. All listed permitted uses are permitted by right according to the terms of this article.
 2. Special uses. Special uses are permitted, subject to compliance with the additional regulations specified.
 3. Permitted or special use with standards. Uses with additional standards are denoted with an "S."

4. Unlisted uses. The uses listed may not address all possible uses. In determining if a use is permitted, the UDO Administrator shall consider which category of expressed uses most closely matches the use proposed and apply the regulations pertaining to that category to the proposed use. In determining the use which most closely matches the proposed use, the UDO Administrator shall consider the density and intensity of the use, and anticipated traffic, noise, light, and odor on adjacent properties. Such interpretation shall be provided in writing to the property owner and subject to appeal by the Board of Adjustment.
5. Minimum regulations. Regulations set forth in this article shall be minimum regulations. If the requirements set forth in this article are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive or higher standard shall govern.
6. Restrictive covenants and deed restrictions. Unless restrictions established by covenants and deed restrictions running with the land are prohibited by the provisions of this article, nothing herein contained shall be construed to render such covenants or restrictions inoperative.

3.5 TABLE OF PERMITTED AND SPECIAL USES

A. USE TABLE

The following uses are listed as permitted by right (P), special (S), or permitted by right with an additional use standard (PS), or special with an additional use standard (SS) in each zoning district where allowed. The Use Table (3.1) is separated by Accessory Uses, Residential Uses, and Nonresidential Uses.

B. PROHIBITED USES

1. If a cell in the table of uses is blank the use is prohibited in the corresponding zoning district.
2. The following uses are prohibited throughout the City's planning jurisdiction in an effort to mitigate natural and manmade hazards, maintain desired environmental qualities, and enhance public health, safety, and welfare, as desired in the City's Comprehensive Plan:
 - a) The manufacturing, processing, fabrication, and/or bulk storage of acetylene gas (except for use on premises), ammunition, explosives, fireworks, gunpowder, jute, or matches;
 - b) The manufacturing, processing, and/or fabrication of acids (except non-corrosive acids), ammonia, ammonium nitrate, animal byproducts, bleaching powder, cellulose, chlorine, creosote and creosote treatment, detergents, enamels, lacquers, linoleum, oilcloth, paints, paper pulp, pigments, lime, plastic, rubber (except tire recappers), soaps (except artisan manufacturing), tannery products, turpentine, varnishes, whiting and/or wood fillers, and environmentally hazardous material. The fabrication of plastics is exempt from this prohibition.
 - c) The slaughtering of animals, except seafood processing.

Table 3.1: Table of Uses	Districts													Use Stand ard
	ICS	R-10	R-20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	
Accessory Uses														
ACCESSORY STRUCTURES OR USES, GENERAL		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	3.6.A
ACCESSORY DWELLING, COMMERCIAL					SS	SS	SS	SS	SS	SS	SS	SS	SS	3.6.B
ACCESSORY DWELLING, RESIDENTIAL		SS	SS	SS	SS	SS	SS							3.6.C
CEMETERIES AND MAUSOLEUMS		SS	SS	SS	SS	SS	SS	PS	PS	PS				3.6.D
DOCKS, PIERs, GAZEBOS, BULKHEADS, AND LIVING SHORELINES	PS	PS	PS	PS	PS	PS	PS	PS	PS				S S	3.6.E
HOME DAYCARE, ADULT AND CHILD	SS	SS	SS	SS	SS	SS								3.6.F
HOME OCCUPATION	SS	SS	SS	SS	SS	SS								3.6.G
HOMESTAY	PS	PS	PS			PS								3.6.H
MODULAR UNIT					PS	PS	PS	PS	PS	PS	PS	PS	PS	3.6.I
OUTDOOR DISPLAY								PS	PS	PS				3.6.J
OUTDOOR STORAGE									PS	PS	PS	PS		3.6.K
OUTDOOR VENDING MACHINE					PS	PS	PS	PS	PS	PS	PS	PS		3.6.L
PORTRABLE STORAGE CONTAINERS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	3.6.M
RECREATIONAL VEHICLE OR TRAVEL TRAILER	PS	PS			PS	PS	PS							3.6.N
SELF-SERVICE ICE VENDING MACHINES										SS	SS			3.6.O
SOLAR ENERGY SYSTEMS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	3.6.P
SWIMMING POOLS	PS	PS	PS	PS	PS	PS	PS	PS						3.6.Q
TEMPORARY SALES OFFICES	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		3.6.R
TEMPORARY HEALTHCARE STRUCTURES	PS	PS	PS	PS	PS	PS								3.6.S

Table 3.1: Table of Uses		Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard													Use Standard
Uses	ICS	R-10	R-20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	Section #	
Residential Uses															
DWELLING, SINGLE-FAMILY		P	P	P	P	P	P								
DWELLING, TWO-FAMILY (DUPLEX)		S	S	P	P	P	P								
DWELLING, MULTI-FAMILY				PS		SS	SS								3.7.A
DWELLING, TRIPLEX OR QUADRPLEX				PS	SS	SS	SS								3.7.B
FAMILY CARE HOME		PS	PS	PS	PS	PS									3.7.C
MANUFACTURED HOME ON SINGLE LOT					PS										3.7.D
MANUFACTURED HOME PARK					PS										3.7.E
MIXED USES						PS	PS	PS	PS						3.7.F
MODULAR HOMES		PS	PS	PS	PS	PS	PS								3.7.G
Nonresidential Uses															
ADULT ESTABLISHMENT													SS		3.8.A
ALCOHOLIC BEVERAGES, PACKAGED, RETAIL SALES									P	P	P				
AUTOMOTIVE, MAJOR										SS	P	P	P		3.8.B
AUTOMOTIVE, MINOR									SS	P	P	P			3.8.B
BED & BREAKFAST	721191	SS	SS	SS	SS	SS	SS	SS	SS	SS					3.8.C
BOTTLE SHOP AND WINE BAR						P		P	P	P					
BUILDING MATERIAL DEALERS	444190								S	P	P	P			
BUSINESS, COMMERCIAL, OR OTHER NON-RESIDENTIAL USE NOT ELSEWHERE CLASSIFIED	561						SS	SS	SS	SS					3.8.D

City of Southport
Unified Development Ordinance (UDO)

Table 3.1: Table of Uses	Districts													Use Stand ard
	ICS	R-10	R-20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	
Uses														Section #
BUS TERMINALS AND RAILROAD STATIONS									P	P				
CHURCHES, SYNAGOGUES & OTHER ASSOC. ACTIVITIES, INCL. OFFICES, ACTIVITY CENTER, ETC.	813110	SS	SS	SS	SS	SS	SS	PS	PS	PS				3.8.E
CLUBS OR LODGE		SS	SS			SS		SS	PS	PS				3.8.F
COMMERCIAL PARKING LOTS	812930						SS	SS	SS	PS	SS			3.8.G
COMMERCIAL RECREATION, INDOOR						S		S	P	P				
COMMERCIAL RECREATION, OUTDOOR										P				
CONTRACTORS, EQUIPMENT & SUPPLY DEALERS & SERVICE	811310									P	P	P		
CONTRACTORS, HEAVY CONSTRUCTION; GRADING, PAVING, MARINE, ETC.	234										P	P		
CULTURAL ARTS CENTER, INCL. THEATERS, OFFICES, CLASSROOMS, ETC.						P	P	P	P	P				
DANCE STUDIOS	611610					P	P	P	P	P				
DAYCARE, ADULT AND CHILD	624120						SS	SS	PS	PS				3.8.H
DIVERS, COMMERCIAL								P	P	P	P	P		
DRY CLEANERS	812320					SS		PS	PS	PS				3.8.I
DRY STORAGE										PS	PS	PS		3.8.J
EDUCATIONAL FACILITY		S	S	S	S	S	P	P	P	P				
ELECTRONIC GAMING OPERATIONS										SS				3.8.K
EXTERMINATING SERVICES	561710							PS	P S	P	P	P		3.8.L

Table 3.1: Table of Uses	Districts													Use Stand ard
	ICS	R-10	R-20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	
Uses														Section #
FARMERS'S MARKET	445230	SS				SS		SS	PS	PS			SS	3.8.M
FARM MACHINERY SALE AND SERVICE									S	P	P			
FEED, SEED, AND FERTILIZER SALES, RETAIL									S	P	P			
FISHING, COMMERCIAL	11411							P	P	P				
FLEA MARKET										SS				3.8.N
FRUIT & VEGETABLE MARKET, WHOLESALE WITH INCIDENTAL RETAIL	445230							SS	SS	PS	PS	SS		3.8.O
FUEL & ICE DEALERS	422710							P		P	P	P		
FUNERAL HOMES	812210						P	P	P	P				
FURRIERS AND FUR STORAGE								P	P					
GARBAGE COLLECTION, PRIVATE (NO LANDFILLS)	562111											P		
GAS COMPANIES (LP-BOTTLED & BULK STORAGE)	324110										P	P		
GOLF COURSE, PRIVATE OR PUBLIC, W/RELATED SERVICES INCL. PRO SHOP	713910	P	P	P		P								
GOVERNMENT USE, CITY OF SOUTHPORT		P	P	P	P	P	P	P	P	P	P	P	P	
GOVERNMENT USES WITH BUILDINGS, NON-CITY OF SOUTHPORT		SS	SS	SS	SS	SS	SS	SS	SS	SS	SS	SS		3.8.P
GROCERY STORES	445110					P		P	P	P				
HARDWARE, LAWN, OR GARDEN STORE	444130							P	P	P	P	P	P	
HEALTH SERVICES,						P	P	P	P	P				
HELPAD							SS							3.8.Q

City of Southport
Unified Development Ordinance (UDO)

Table 3.1: Table of Uses	Districts													Use Stand ard
	P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard													
Uses	ICS	R-10	R-20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	Section #
HOSPITALS	622110						P	P	P	P				
HOTEL, MOTEL, OR INN	721110					SS	SS		SS	PS				3.8.R
HOTEL, RESIDENTIAL OR BOUTIQUE						SS	SS	PS	PS	PS				3.8.S
INSTITUTIONAL CARE FACILITY, ADULT										S				
INSTITUTIONAL CARE FACILITY, CHILD HANDICAPPED										S	S			
JAIL	922140									PS	PS	PS		3.8.T
KENNEL	812910									SS	PS	PS		3.8.U
LAUNDRY, INDUSTRIAL	812332									P	P	P		
LAUNDRY, COIN-OPERATED										P	P			
LIBRARY	514120					P	P	P	P	P				
LIQUOR STORES	445310							P	P	P				
MANUFACTURED HOME DEALERS	453930									P	P			
MANUFACTURED HOME (INDIVIDUAL) FOR OFFICE AND/OR EXHIBITION					S	S	S	S	S	S	S	S		
MANUFACTURING, ARTISAN										P	P	P	P	
MANUFACTURING, GENERAL											C	P		
MANUFACTURING, INTENSIVE												CS		3.8.V
MANUFACTURING, LIMITED										P	P	P		
MARINA, COMMERCIAL	713930					PS		PS	PS	PS	PS	PS		3.8.W
MARITIME SALES, RENTAL, AND SERVICE									P	P				

Table 3.1: Table of Uses	Districts													Use Stand ard
	ICS	R-10	R-20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	
Uses								SS	PS	PS	PS	PS	PS	Section #
MICROBREWERY AND MICRODISTILLERY														3.8.X
MOBILE VENDOR OR FOOD TRUCK									PS	PS	PS	PS	PS	3.8.Y
MOTION PICTURE PRODUCTION & DISTRIBUTION	512110											P	P	
MOTOR FREIGHT COMPANIES, MOVERS, VAN LINES, AND STORAGE											P	P	P	
MUSEUMS, ART GALLERIES	712110							P	P	P	P			
NIGHTCLUB	722410								SS	SS	SS			3.8.Z
NURSING & PERSONAL CARE FACILITY	623110					SS	SS		SS	PS				3.8.AA
OFFICE, GENERAL						P	P	P	P	P				
PACKAGE DELIVERY SERVICES, COMMERCIAL	492210						SS	SS	SS	PS	PS	PS		3.8.BB
PARKS & RECREATION AREAS, MUNICIPAL	924120	P	P	P	P	P	P	P	P	P			P	
PERSONAL SERVICE ESTABLISHMENT						P	P	P	P	P				
RADIO & TELEVISION STATIONS, STUDIOS, AND OFFICES							SS		PS	PS				3.8.CC
RECREATION FACILITY PRIVATE, INCL. CLUBS & RECREATION FACILITIES ASSOC. WITH MULTIPLE FAMILY COMPLEXES, GOLF COURSES, TENNIS FACILITIES, COUNTRY CLUBS, ETC.		SS	SS	SS	SS	SS	SS	SS	SS	SS				3.8.F
RECREATIONAL VEHICLE PARK										SS				3.8.DD
RESEARCH & DEVELOPMENT							SS	SS		PS	PS	PS		3.8.EE

Table 3.1: Table of Uses	Districts													Use Stand ard
	ICS	R-10	R-20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	
Uses														Section #
RESTAURANT, CARRY-OUT	722211					S		P	P	P				
RESTAURANT, STANDARD & FAST-FOOD	722211					S		P	P	P				
RETAIL SALES, MAJOR										P				
RETAIL SALES, MINOR						P		P	P	P				
RETAIL SALES, MODERATE										P	P			
SALVAGE OPERATIONS												SS		3.8.FF
SHOPPING CENTER	233320					SS		SS	PS	PS				3.8.GG
SHOOTING RANGE, INDOOR										PS	PS	PS		3.8.HH
SHOOTING RANGE, OUTDOOR												SS		3.8.HH
SHORT- TERM VACATION RENTALS						PS		PS	PS					3.8.II
SOLAR FARM												SS		3.8.JJ
STORAGE, SELF-SERVICE										PS	PS	PS		3.8.KK
TATTOO AND PIERCING ESTABLISHMENT												S		
TAXICAB STANDS								SS	PS	PS				3.8.LL
TELEPHONE COMMUNICATION FACILITY, UNATTENDED	513340	SS	SS	SS	SS	SS	SS	SS	SS	SS	PS	PS		3.8.MM
TRANSITIONAL HOUSING FACILITIES							S							3.8.NN
US POSTAL SERVICE	491110					P	P	P	P	P	P	P		
UTILITY STATIONS & PLANTS (PUBLIC & PRIVATE) INCL. LIFT STATIONS, SUBSTATIONS, ETC.		P	P	P	P	P	P	P	P	P	P	P		
VETERINARY SERVICES WITH OPEN PENS	541940									P	P	P		

Table 3.1: Table of Uses	Districts													Use Stand ard
	P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard													
Uses	ICS	R-10	R-20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	Section #
VETERINARY SERVICES WITH PENS ENCLOSED IN A BUILDING	541940									S	P	P	P	
WAREHOUSING, GENERAL	493110									PS	PS	PS		3.8.00
WATER TRANSPORTATION INCL. DOCKS, TUGBOATS, BARGES, AND EXCURSIONS										P	P	P	P	
WELDING, REPAIR	811310									P	P	P	P	
WIRELESS TELECOMMUNICATION FACILITY OR COMPLEX, FREESTANDING AND SUBSTANTIAL MODIFICATIONS										SS	SS	SS		See Article 7
WIRELESS TELECOMMUNICATION FACILITY, COLLOCATION OR COLLOCATED SMALL/MICRO-WIRELESS FACILITY		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		See Article 7
YARD SALES		P	P	P	P	P	P	P	P	P	P			

3.6 ACCESSORY USE STANDARDS

A. ACCESSORY STRUCTURE OR USE, GENERAL

Where permitted, the following shall apply:

1. There shall not be more than two (2) accessory structures or uses per lot, excluding swimming pools, docks, piers, and waterside structures, in the R-10, R-20, MF, MH, PUD, O-I, CBD, BD and HC districts.
2. The total area of accessory structures, excluding swimming pools, shall not exceed 50% of the rear yard area of the lot and shall meet all rear and side yard setbacks of the district. However, accessory structures with a footprint of 530 square feet or smaller in any district may have setbacks of five (5) feet to a side or rear property line. No accessory structure shall be constructed beyond the front building line of the primary structure, except as allowed for riverfront lots as described below.

3. Riverfront lots: Detached garages are permitted in the street front yard on lots with frontage on the Cape Fear River in the R-10 district provided they are no closer than 75 feet from the street right-of-way.
4. No accessory structure, whether residential or nonresidential, shall be greater than 30 feet in height.

B. ACCESSORY DWELLING, COMMERCIAL

Where permitted, the following shall apply:

1. The residential unit may be occupied solely by the person engaged in the principal use or a full-time employee, and their family members residing with them.
2. The site shall provide an area of open space not occupied by any buildings, parking or structures equal to the floor area of the residential unit.
3. The amount of floor area for the residential unit shall not exceed 1,500 square feet.
4. The residential unit shall be located totally above the ground floor or totally to the rear of the principal use so as not to interrupt the commercial frontage.
5. In addition to the required off-street parking for the principal use, two (2) off-street parking spaces shall be provided for the residential unit.

C. ACCESSORY DWELLING, RESIDENTIAL

Where permitted, the following shall apply:

1. An accessory dwelling may be within, attached, or separate from the principal residential structure.
2. The principal use of the lot shall be a detached single-family dwelling, built to the standards of the North Carolina State Building Code.
3. No more than one (1) accessory dwelling shall be permitted on a single deeded lot in conjunction with the principal residential structure.
4. The accessory dwelling shall be owned by the same person as the principal residential structure.
5. The accessory dwelling shall not be served by a driveway separate from that serving the principal residential structure.
6. There shall be a separate parking space for the accessory dwelling subject to the off-street parking requirements of Section 3.14.
7. The accessory dwelling shall not exceed 800 square feet.
8. Detached garages with a second-floor accessory residential dwelling may not exceed a ground level building footprint area of 530 square feet and shall be constructed behind the front building line, except as allowed for riverfront lots, provided they are located no closer than five (5) feet to any adjoining lot line.

D. CEMETERIES AND MAUSOLEUMS

Where permitted, a cemetery or mausoleum may be allowed as an accessory use to churches and synagogues. No crematoriums shall be permitted.

E. DOCKS, PIERS, BULKHEADS, AND LIVING SHORELINES

Where permitted, docks, piers, bulkheads, and living shorelines shall be constructed in accordance with the CAMA use standards as stated in 15A NCAC 07H and the Army Corps of Engineers setback requirements. Within the Open Space District, only non-commercial residential docks and piers shall be permitted. Within the Open Space District, a residential community dock attached to a homeowners/property owners association (HOA/POA) common area is permitted only within the community it serves. A residential HOA/POA community dock is not allowed in the Open Space District as a remote recreation facility for non-contiguous HOA/POA common areas. Docks may be utilized as a principal or accessory structure where permitted.

F. HOME DAYCARE, ADULT AND CHILD

Where permitted, the following shall apply:

1. All outdoor play areas are to be surrounded by a fence or wall at least four (4) feet in height.
2. There shall be adequate road ingress and egress to and from the site.
3. Traffic generated by the facility shall not be disruptive to any adjacent residentially developed properties.
4. Outdoor play areas may be located in the rear yard or side yard only. If located in the side yard, a minimum side yard setback of ten feet shall be observed. On corner or through lots, a minimum 20-foot setback, as measured from the abutting street right-of-way line, shall be observed. Greater setbacks may be required if otherwise called for in the underlying zoning district.
5. It complies with all applicable home occupation requirements, except the gross floor area requirement.

G. HOMESTAY

Where permitted, the following shall apply:

1. No displays of goods, products, services, or other advertising shall be visible outside the dwelling.
2. The homestay operation shall be managed and carried on by a person who:
 - a) Is a full-time resident of the property; and
 - b) Is present during the homestay term for the entire time lodgers are staying at the property. To be a "full-time resident," the person must reside on the property on a permanent basis, and it must be the person's primary home. For the purposes of this section, a person can only have one primary, full-time residence. To be "present during the homestay term," the full-time resident shall be at the property overnight and not away on vacation, visiting friends or family, traveling out of town for business or personal reasons, etc., during the homestay term. However, the full-time resident may be temporarily absent from the property for purposes related to normal residential activities such as shopping, working, attending class, etc. A minimum of two documents establishing proof of residency shall be supplied from an approved list of documents.

3. No activities other than lodging shall be provided. Special events, including weddings, receptions, and other large gatherings, are expressly prohibited.
4. No additional off-street parking is required for a homestay.
5. Only one homestay permit shall be permitted per property.
6. Homestay permits shall be limited to two guest rooms at a time.
7. No signage shall be allowed for homestays.
8. The length of stay of guests shall not exceed 30 days.
9. Exterior lighting shall be residential in nature and shall comply with the lighting requirements of the UDO.
10. The homestay owner or operator shall maintain a minimum of \$500,000 general liability insurance on the property, which covers the homestay use and homestay guests.
11. The homestay owner or operator must pay any applicable taxes, including occupancy and sales taxes, to the appropriate governmental entities.
12. The homestay owner or operator shall not prepare food for guests or provide pre-packaged or unpacked food items or beverages for guests.
13. The homestay area of the dwelling shall comply with all current and applicable building codes.
14. Accessory Dwellings with a Special Use Permit are not eligible for homestay use.

H. HOME OCCUPATION

Where permitted, the following shall apply:

1. Home occupations shall be a use that is clearly a customary, incidental, and use of a residential dwelling unit and shall be permitted subject to the following limitations.
 - a) No exterior display of projects.
 - b) Industrial uses shall not be allowed including: manufacturing, processing, fabrication, and/or bulk storage of acetylene (except for use on premises), ammunition, explosives, fireworks, gunpowder, jute, or matches.
 - c) Not more than 25% of the gross floor area of the dwelling unit (excluding porch and garage areas) or 500 square feet, whichever is more, shall be used in the conduct of the home occupation. The 25% or 500 square feet, whichever is more, may be used in either the dwelling unit or an accessory structure or a combination of the two.
 - d) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation.
 - e) There shall be no outside storage of anything connected with the home occupation, except one vehicle used in connection with the business. Such vehicle may be no larger than a passenger van or pick-up truck.
 - f) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood. One (1) additional off-street parking space shall be required for any home occupation.

- g) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interferences detectable to the normal sense off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- h) There shall not be more than one (1) person other than residents of the dwelling unit employed at the premises in connection with the home occupation.

I. MODULAR UNIT

Where permitted, the following shall apply:

1. Modular units to be utilized for office or classroom use must have been originally constructed for such use and shall not be a renovated or modified manufactured home. Plans and specifications shall bear an engineer's seal and a third-party inspection certification. The modular unit must have a permanent foundation if it is meant to be located on site as a permanent fixture.
 - a) Parking. One (1) space for each person employed in the office at any given time during a 24-hour period plus four (4) spaces for visitors.
 - b) Requirements. A temporary certificate of occupancy/compliance may be issued, allowing modular units to be used for permanent stand-alone office space and to be located on a designated lot or land location.
 - c) Notwithstanding the foregoing, a temporary certificate of occupancy/compliance may be issued for a modular unit for use as a temporary field office for contractors, if the modular unit:
 - i) And the structure under construction are located on the same property;
 - ii) Is not moved to the site more than 30 days prior to construction and is removed not later than 30 days after construction has been completed;
 - iii) Is not used for any other purpose other than that connected with on-site construction;
 - iv) Is justified by the size and nature of the construction project;
 - v) Is to be used for a period not to generally exceed 18 months with subsequent annual renewals permissible upon demonstrated continued need;
 - vi) Is utilized only incidental to on-site construction during daylight hours and not for residential living quarters;
 - vii) Is parked in a location approved in advance;
 - viii) Sanitary facilities are connected with an approved sewer system unless an on-site port-a-john is provided;
 - ix) Electrical facilities are connected in compliance with regulations as set forth in the North Carolina State Building Code.
 - (a) Also, notwithstanding the foregoing, a certificate of occupancy/compliance may be issued for a modular unit for use as a classroom by a public or private school, for a school administrative office, or for a manufactured home sales office, if the following requirements are met:

- x) Sanitary facilities are connected with an approved sewer system;
- xi) Electrical facilities are connected in compliance with regulations as set forth in the North Carolina State Building Code;
- xii) Provisions pertaining to a modular unit foundation and anchorage shall be as provided in the NC State Building Code or its successor document.

J. OUTDOOR DISPLAY

Where permitted, outdoor display shall comply with the following minimum standards. This section applies to the display of retail and rental goods outside of an enclosed building. This section does not apply to permitted farmers' markets.

1. Outdoor display must be incidental to a permitted principal use in the zoning district. Only the business or entity occupying the principal use or structure shall sell merchandise or rent equipment in the outdoor display areas.
2. Merchandise or rental equipment shall not be placed or located where it will interfere with pedestrian or building access or egress, required vehicular parking and handicapped parking, aisles, access or egress, fire lanes, alarms, hydrants, standpipes, or other fire protection equipment, or emergency access or egress.
3. Outdoor display shall be removed at the close of operating hours and shall not be permitted to remain overnight, except in the Highway Commercial Zoning District.

K. OUTDOOR STORAGE

Where permitted, the following shall apply:

1. All outdoor/open storage areas shall be fenced with a minimum of a six (6) foot opaque fence and shall not be visible from the public right-of-way.
2. All outdoor storage materials shall be kept in the rear of buildings and in no case shall outdoor storage materials be located closer than five (5) feet from any adjoining property line.

L. OUTDOOR VENDING MACHINE

Where permitted, the following shall apply:

1. Within the CBD zoning district, only attached automatic bank teller machines which are associated with the principal financial institution shall be permitted. No other outdoor vending machines or outdoor independently owned teller machines shall be permitted within the CBD zoning district.
2. Outdoor vending machines shall not obstruct pedestrian pathways, driving aisles, parking spaces, or any areas necessary for proper vehicular circulation or loading activities. A clear path of travel at least four feet wide must be provided around outdoor vending machines.
3. Outdoor vending machines shall not be located within four feet of the public right-of-way, or located in such a manner as to encourage or require customers to stand or park in the right-of-way in order to use the machine.

4. The back of an outdoor vending machine may not be located more than 18 inches from an exterior wall of the primary structure on the lot.
5. If exposed conduits or pipes are required (e.g., to supply the outdoor vending machine with power, coolant for refrigeration, or the product being dispensed), they shall be secured to the building and painted or otherwise screened to match the building exterior. Exposed conduits, pipes, and utility connections shall not bridge a span or gap greater than 18 inches.
6. All outdoor vending machines shall be maintained in a clean and attractive condition. Any graffiti on an outdoor vending machine shall be removed within 24 hours. If the outdoor vending machine is removed, the area shall be cleaned and restored to its previous condition, including the removal of any abandoned pipes, conduits or other connecting hardware.
7. In addition to the above, the following criteria shall apply to outdoor vending machines:
 - a) Outdoor vending machines shall not block or visually obstruct the sales counter as viewed from outside the establishment.
 - b) The area occupied by outdoor vending machines may not exceed 20% of the width of the building elevation along which they are located, nor shall the combined width of all vending machines at any one site exceed 30 feet.
 - c) Sign copy on an outdoor vending machine shall be limited to that which fits on the exterior panels of the machine and shall only advertise the actual product or service provided by the machine.

M. PORTABLE STORAGE CONTAINERS.

Where permitted, the following shall apply:

1. A temporary portable storage container may be placed for 30 or less consecutive days in any 12-month period without issuance of a permit in all zoning districts upon notification of the UDO Administrator.
2. Temporary portable storage containers being used for over 30 days shall apply for and obtain a zoning permit from the UDO Administrator. A maximum of one (1) portable storage container shall be allowed per lot in residential areas for up to a 12-month period if the following conditions are met:
 - a) The principal structure is damaged and is undergoing repairs, construction, reconstruction, or renovation.
 - b) A building permit has been issued for the repairs, construction, reconstruction, or renovation, if required, and is valid.
 - c) After a 12-month period, an extension may be granted for up to 30 additional days as approved by the UDO Administrator.
 - d) Temporary portable storage containers used by developers for construction of a subdivision shall renew their permit with the UDO Administrator every 12 months. Portable storage containers must be removed upon completion of the subdivision.
3. Permanent portable storage containers may be permitted for commercial use as storage. Permanent portable storage containers may be permitted in the HC, LI,

and HI districts. Permanent portable storage containers shall submit a site plan for review by the UDO Administrator.

4. Permanent portable storage containers in commercial areas shall be screened from view of any public right-of-way, private street or access easements and any residential use or residential zoning district. Screening shall be accomplished by a combination of fencing or landscaping, which is contiguous and at least one (1) foot higher than the height of the container. Screening plans shall be included in the site plan submitted for review.
5. Permanent portable storage containers shall not be permitted as accessory structures or habitable structures in residential districts.
6. Portable storage containers shall not be located in an area that displaces required parking standards.
7. Setback requirements for portable storage containers shall be the same as setback requirements in their respective zoning districts.
8. Portable storage containers shall meet the following appearance standards:
 - a) Portable storage containers shall not exceed the dimensions of 40 feet in length, eight (8) feet in width and 10 feet in height. Stacking of portable storage containers shall not be permitted.
 - b) No sign shall be attached to a portable storage container other than the provider's contact information.
 - c) The structure of a portable storage container shall be maintained in good condition free from structural damage, rust and deterioration.

N. RECREATIONAL VEHICLES OR TRAVEL TRAILERS

Where permitted, the following shall apply:

1. Recreational vehicles occupied for human habitation and intended for permanent residential use must be placed in an approved manufactured home or recreational vehicle park. However, temporary residential use may occur in cases where the recreational vehicle is secondary to a primary residential use, only when construction or repair of a single-family home occurs. Two general restrictions for either temporary residential use shall apply, as well as specific restrictions and limitations for each. In no case shall the recreational vehicle be utilized as a short or long-term rental unit. The general restrictions and limitations are as follows:
 - a) Location of the recreational vehicle shall be in the rear yard, unless evidence can be provided to the UDO Administrator that size constraints or other factors prevent rear yard location. The specific restrictions and limitations are as follows:
 - i) When secondary to a primary residential use, the period of human habitation shall not exceed 14 days, and may not be re-established for a period of 90 days from the last day terminated;
 - ii) When construction or repair of a single-family home occurs, the homeowner and his family may occupy a recreational vehicle for

a period of 180 days. An extension to a maximum of 365 days may be granted by the UDO Administrator upon presentation of evidence that construction cannot be completed within 180 days due to factors beyond their control. All occupied recreational vehicles shall maintain an adequate disposal system and a source of potable water. Emptying of wastewater disposal systems shall be done in accordance with the City of Southport Sewer Use Ordinance.

O. SELF-SERVICE ICE VENDING MACHINES

Where permitted, the following shall apply:

1. Self-service ice vending machines or other similar uses shall be an accessory to an existing business or commercial entity in the Business District (BD). Such uses shall only be located as an accessory for convenience stores, car washes, and marinas of 20 boat slips or more.
2. Self-service ice vending machines or other similar uses may be located in the Highway Commercial (HC) District as a principal use.
3. No self-service ice vending machine or other similar use shall encroach into the minimum required setback.
4. Architectural features of any self-service ice vending machine or other similar use shall be complementary to existing development in the immediate area. Building elevations shall be submitted with each application considered for approval.
5. The foundation of each unit shall be screened by skirting, lattice or landscaping.
6. Roof-mounted or other equipment on top of the unit shall be screened by a parapet wall.
7. Within 30 calendar days of the closure or ceasing of operations of any self-service ice vending unit or other similar use, all equipment and incidentals shall be removed from the premises.
8. Landscaping:
 - a) Where a self-service ice vending machine or other similar use is proposed as an accessory to an existing business location that has an approved site plan on record, skirting, lattice or landscaping shall be provided around the foundation of the unit. If the landscaping option is chosen, the planting of vegetation similar to that on the existing site or immediate vicinity shall be provided.
9. Access:
 - a) Ingress and egress shall be located where such will not impede pedestrian or vehicular traffic flow.
 - b) The existing access or driveway of the primary business shall be utilized, unless deemed inappropriate.
10. Vehicle Parking and Stacking Lane:

- a) Four (4) standard parking spaces shall be available on the site. In the design of the area around the self-service ice vending machine, a provision will be made for the stacking of vehicles on the property. The stacking area will be designed to avoid a backup of vehicles on to the public right of way. The design standard for the stacking requirements will include:
 - i) Required stacking lane shall be a minimum of eight feet wide by one hundred 150 feet long in total length with a vertical clearance of 15 feet in order to accommodate full-size pickup trucks with boats on trailers.
 - ii) The stacking lane shall be located on private property and as much as possible to the rear or side of the lot. In no case shall a stacking lane be arranged or located in any way that impedes off-site traffic movements on adjacent public roadways.

P. SOLAR ENERGY SYSTEMS

Where permitted, the following shall apply:

1. Roof-mounted solar energy systems. Solar panels should generally relate to the slope of the roof surface to which they are attached. However, the height not exceed the maximum building height requirement of the district in which it is located. Roof-mounted solar energy systems shall in no instance extend beyond the edge of the roof to which they are attached.
2. Ground-mounted solar energy systems shall be prohibited.

Q. SWIMMING POOLS

Where permitted, swimming pools shall be setback five (5) feet from the existing property line and enclosed by protective fencing meeting the requirements of the NC Residential Building Code.

R. TEMPORARY SALES OFFICE

Where permitted, temporary sales offices are intended to serve the development/property which the office is associated with, to include but not necessarily be limited to, approved subdivisions and major site plans. Temporary sales offices are accessory uses. The temporary sales office shall be discontinued when 90% of the principal use development, subdivision, or planned building group is sold, occupied, and/or leased wholly or partially, including timeshare agreements.

S. TEMPORARY HEALTHCARE STRUCTURES.

Temporary healthcare structures shall be permitted in accordance with NCGS 160D-915.

3.7 RESIDENTIAL USE STANDARDS

A. DWELLING, MULTI-FAMILY (INCLUDING TOWNHOUSES, APARTMENTS & CONDOMINIUMS)

Where permitted, the following shall apply:

1. The site plan must be designed to give adequate consideration to the following factors:
 - a) The size and shape of the tract.
 - b) The topography and necessary grading.
 - c) The reasonable preservation of the natural features of the land and vegetation.
 - d) The size of the development in relationship with adjacent and nearby land uses.
 - e) The impact on city infrastructure.
2. Developments with 50 or more dwelling units shall have a direct point of ingress and egress onto a major or minor thoroughfare. Developments with 100 or more dwelling units shall have at least two (2) direct points of direct ingress and egress onto a major or minor thoroughfare.
 - a) Developments with 100 or more dwelling units shall be provided with a divided ingress-egress driveway with a landscaped median for all entrances from public streets.
 - b) Any proposed ingress and egress points shall be located and designed so as to not result in a substantial amount of vehicular traffic to be channeled onto adjacent non-thoroughfare local streets.
 - c) Sidewalks and/or paths shall be constructed within the development to link the interior of the development with residential buildings within the development and to other destinations such as, but not limited to, adjoining streets, mailboxes, trash disposal areas, on- site amenity areas and the like.
3. The minimum spacing between multi-family buildings within a development shall be 20 feet, plus one (1) foot for each one (1) foot of height in excess of 30 feet, or as required by the City of Southport fire code.
4. In order to provide an interesting and aesthetically attractive development, the following standards shall apply:
 - a) With the exceptions of buildings that front the same public street, buildings shall be arranged in patterns that are not strictly linear. Exceptions shall be allowed for buildings that define common space such as a courtyard or green.
 - b) Building entryways shall face a street, sidewalk or common area. Buildings shall not face the rear of other buildings within the same development.
5. Multi-family residential structures shall be controlled by a maximum height, maximum number of dwelling units per acre, [maximum floor area ratio (FAR)], the maximum open space ratio (OSR), and maximum impervious coverage ratio as provided below:
 - a) Maximum number of dwelling units per acre shall be 11.
 - b) Maximum FAR shall be 3:1.
 - c) Minimum OSR shall be 55%.

- d) Maximum impervious coverage ratio shall be 35%.
6. No more than 20% of the off-street parking associated with the multi-family use may be located in the front yard facing a public street.
7. For all multi-family developments not specifically developed for the elderly and containing more than 100 dwelling units, a shelter shall be constructed at a location where a public-school bus may pick up and/or drop off children riding county school buses.
8. Multi-family exterior building design must comply with the following:
 - a) Exterior materials shall be durable and residential in character. Suggested materials include wood clapboard, wood shingles, brick, stone, stucco, vinyl, or similar materials. Suggested pitched roof materials include asphalt shingles, standing seam metal, slate, or similar materials.
9. The following minimum building design standards shall be complied with:
 - a) Buildings shall not exceed 150 feet in length;
 - b) Facades greater than 50 feet in length, measured horizontally, shall incorporate wall plan projection or recesses. Ground-floor facades that face public streets shall have arcades, windows, entry areas, awnings, or other such features for at least 60 percent of their horizontal length;
 - c) Buildings shall be arranged so that they are aligned parallel to a sidewalk or around common open space, such as courtyards, greens, squares, or plazas; and
 - d) On owner-occupied units (townhouses and condominiums), side- or rear-entry garages are encouraged. When front-entry garages are provided, the garage should be recessed at least four (4) feet behind the unit front wall line closest to the required front yard setback.
10. Orientation. Multi-family buildings shall be oriented as follows:
 - a) For lots not exceeding 40,000 square feet, all multi-family buildings shall be oriented to the street.
 - b) For lots that are at or over 40,000 square feet, at least 80 percent of the ground area between the front lot line and the maximum setback, excluding required driveways and access points, shall be occupied by multi-family dwelling units that are oriented to the street. The remaining area may include driveways and required access points, or courtyards or similar open spaces.
11. Fenestration. Windows, porches, balconies, and entryways shall comprise of at least 30 percent of the length of the front elevation on each floor.
12. Articulation/Modulation. Buildings that contain multi-family dwellings shall be articulated as follows:
 - a) Multi-family buildings that face single-family homes shall be articulated at intervals consistent with the existing yard requirements or the yard requirements of the opposing block.

b) The articulation of buildings pursuant to this section shall include at least two (2) of the following:

- i) Horizontal projections or offsets, such as towers or turrets, which extend at least five (5) feet from the front elevation and the height of the building up to the eaves. Projections or offsets shall be at least three (3) feet in depth and eight (8) feet in width;
- ii) Projecting entryways, such as stoops, balconies, porticoes, bay windows, arcades, or porches
- iii) Changes in roof elevations, roof dormers, hips, or gables; or
- iv) Open balconies that project at least six (6) feet from the front building plane.

13. Townhouse:

- a) No unit shall be connected on more than two (2) sides by common walls.
- b) All yard dimensional requirements shall apply to the property lines of the entire development. The minimum lot size and setback requirements of the base zoning district shall only apply to the parent parcel. Zero lot lines may be utilized for individual units.
- c) A zero (0) side and/or rear yard setback, may be permitted in a townhouse subject to the following provisions:
 - i) Any wall, constructed on the side or rear lot line shall be a solid doorless and windowless wall. Such wall shall contain no electrical, mechanical, heating, air conditioning, or other fixtures that project beyond such wall. Roof eaves may encroach two (2) feet into the adjoining lot;
 - ii) A five (5) foot maintenance and access easement with a maximum eave encroachment easement of two (2) feet within the maintenance easement shall be established on the adjoining lot and shall assure ready access to the lot line wall at reasonable periods of the day for normal maintenance;
 - iii) Where zero (0) side or rear yard setbacks are proposed, the buildable area for each lot shall be indicated on the preliminary and final subdivision plat.
 - iv) Zero lot lines shall not be allowed on any perimeter boundary line or lot line of a townhouse.

14. Open space areas shall be provided for all multi-family developments with over five (5) dwelling units. Swimming pools and their accessory areas shall not constitute any part of the open space requirements. No part of the required play area shall be used for any other purpose. All recreation areas shall be enclosed with permanent fencing at least five (5) feet in height.

- a) All open space shown on the site plan or plat shall be recorded in the Brunswick County Register of Deeds Office and shall be conveyed by leasing or conveying title including beneficial ownership to a corporation,

association, or other legal entity, the terms of such lease or other instruments of conveyance must include provisions suitable to the city for guaranteeing:

- i) The continued use of land for the intended purposes;
- ii) Continuity of proper maintenance for those portions of open space land requiring maintenance;
- iii) When appropriate, the availability of funds required for such maintenance;
- iv) Adequate insurance protection; and
- v) Recovery for loss sustained by casualty, condemnation, or otherwise.

- b) Furthermore, the applicant shall file in the Brunswick County Register of Deeds office at the time of site plan approval, legal documents which shall produce the above guarantees and in particular, will provide a method for reserving the use of open space for the use and enjoyment of the residents of the development.
- c) Required open space shall comply the provisions outlined in Section 4.14.G. Criteria of the Subdivision Article.

B. DWELLING, QUADRAPLEX OR TRIPLEX

Where permitted, the following shall apply:

- 1. The quadplex, or triplex must be architecturally consistent with adjacent properties and the principal entrance of each dwelling unit must be located on an exterior wall facing a public street right-of-way. The exterior design must comply with the following:
 - a) Exterior materials shall be durable and residential in character. Exterior wall materials shall be wood clapboard siding, wood shingles, brick, stone, stucco, vinyl, or similar materials. Roof materials shall be asphalt shingles, standing seam metal, slate or similar materials.
- 2. Windows. Windows shall have a vertical-to-horizontal ratio of at least 1.5:1 and less than 3:1, which are recessed into the face of the building and broken up with smaller planes of glass.

C. FAMILY CARE HOME

Family care homes shall be permitted in accordance with NCGS 168-22.

D. MANUFACTURED HOME ON SINGLE LOT

Where permitted, the following shall apply:

- 1. Skirting and Curtain Wall Requirements for Manufactured Homes.
 - a) All single-wide manufactured homes shall have skirting placed around the base prior to the issuance of a Certificate of Occupancy.

- b) Double-wide manufactured homes shall have a curtain wall constructed around the base within 90 days from the date the home is placed on a lot.
- c) For both single- and double-wide manufactured homes, one (1) row of ventilation ports, 8-inch by 16-inch, shall be provided every ten feet, and one (1) access opening with a door that is between 18 inches and 42 inches in height and between 24 inches and 60 inches in width.

2. Electrical Service Requirements for Manufactured Homes. All manufactured homes shall have electrical service within 90 days from the date the home is placed on a lot.

E. MANUFACTURED HOUSING PARK

Where permitted, the following shall apply:

- 1. No person shall begin construction of a manufactured home park or make any addition to a manufactured home park that either alters the number of sites for manufactured homes within the park or affects the facilities required therein until he first secures a permit authorizing such construction or addition.
- 2. If the owner of a manufactured home community (which consists of at least five (5) manufactured homes) intends to convert the land to another use, the landowner must give each owner of each manufactured home notice of the intended conversion at least 180 days before the home owner is required to vacate and move, regardless of the term of tenancy.
- 3. In no case shall the size of a manufactured home space be less than 8,500 square feet.
- 4. All manufactured home parks shall be located on an undivided tract of land not less than three (3) acres in size.
- 5. Parking space sufficient to accommodate at least two (2) automobiles shall be located on each manufactured home space.
- 6. The manufactured home park shall be located on ground that is not susceptible to flooding. The park shall be graded so as to prevent any water from ponding or accumulating on the premises. All ditch banks shall be sloped and seeded.
- 7. There shall be at least 20 feet clearance between manufactured homes including manufactured homes parked end to end. No manufactured home shall be located closer than 20 feet of any exterior boundary line of the park, no closer than 15 feet to the edge of any interior street right-of-way, or closer than 10 feet to any manufactured home space (lot) boundary line.
- 8. Existing manufactured home parks which provide manufactured home spaces having a width or area less than that described above may continue to operate with spaces of existing width and area, but in no event shall any such nonconforming manufactured home park be allowed to expand unless such extension meets the requirements of this ordinance.

9. Each manufactured home space shall be graded and grassed to prevent erosion and provide adequate storm drainage (including retention pond facilities, when applicable) away from the manufactured home.
10. Interior Drives. All manufactured home spaces shall abut upon an interior drive of no less than 36 feet in right-of-way, which shall have unobstructed access to a public street or highway, it being the intent of this section that manufactured home spaces shall not have unobstructed access to public streets or highways except through said interior drive. All interior drives shall be graded to their full right-of-way and shall have a road of at least 20 feet in width. Minimum improvements shall be a compacted base of four (4) inches of #7 ABC stone. Roads shall be maintained with passable surface. Graded and stabilized road shoulders and ditches shall be provided.
11. Cul-de-sacs. Any interior drive designed to be closed shall have a turnaround at the closed end with a minimum right-of-way diameter of 100 feet. The entire right-of-way of such turnaround shall be graded and usable for the turning of motor vehicles.
12. Intersections. Drives shall intersect as nearly as possible at right angles, and no drive shall intersect at less than 75 degrees.
13. Spaces Numbered. Each manufactured home space shall be identified by a permanent number which shall not be changed. The appropriate number of each manufactured home space must be permanent and visibly displayed. Each number shall be placed on a concrete, wood, metal, or any permanent post and conspicuously located on the lot.
14. Signs for Identification of Parks. Permanent identification sign(s) shall be required for every manufactured home park. The size of the signs shall be as follows: Not more than two (2) signs with a total maximum area of 48 square feet and a total minimum area of 12 square feet. Signs must be located on the park property within 50 feet of the entrance and at least 10 feet off the front property line. Signs must be located a minimum of five (5) feet from any side property lines. Only indirect non-flashing lighting may be used for illumination, and the sign must be constructed in such a manner as to prevent a direct view of the light source from any public road right-of-way.
15. Sanitary Facilities, Water Supply, Sewerage, Electricity, Lighting, and Refuse Collection Facilities. Each manufactured home space shall be equipped with plumbing and electrical connections and shall be provided with electrical current in sufficient amount to safely meet the maximum anticipated requirements of a manufactured home.
16. Water, Sewerage, and Electricity. Each manufactured home space shall be provided with and shall be connected to a public sanitary sewerage and water supply systems. Wells and septic tanks shall be prohibited.
17. Lighting. Distribution lines shall be installed underground. Underground lines shall be placed at least 18 inches below the ground surface where possible and

at least one (1) foot radial distance from water, sewer, gas, or communications lines.

18. Exterior lighting shall be provided for all streets, walkways, buildings, and other facilities subject to nighttime use. The average illumination level in manufactured home parks shall be at least three tenths (0.3) footcandle, and a minimum level of one tenth (0.1) footcandle shall be maintained on all streets. Potentially hazardous locations such as street intersections and walkways shall be individually illuminated with a minimum level of six tenths (0.6) footcandle.
19. Refuse Collection Facilities. The park owner is responsible for seeing to refuse collection.
20. Manufactured Home Stands and Anchors.
 - a) The area of the manufactured home stand shall be improved to provide an adequate foundation for the placement and anchoring of the manufactured home, thereby securing the structure against uplift, sliding, rotation, and/or overturning.
 - b) Each manufactured home owner shall provide anchorage in accordance with the State of North Carolina Regulations for Manufactured Homes.
 - c) Any manufactured home placed in a manufactured home park after adoption of this ordinance shall have skirting.
21. Service, Administration, and Other Buildings.
 - a) Within a manufactured home park, one (1) manufactured home may be used as an administrative office. Other administrative and service buildings housing sanitation and laundry facilities or any other such facilities shall comply with all applicable ordinances, codes, and statutes regarding buildings, electrical installations, plumbing, and sanitation systems.
 - b) All service buildings, commercial structures, and the grounds of the park shall be maintained in a clean condition and kept free from any condition that will menace the health of any occupant or the public or constitute a nuisance.
22. Structural Additions. All structural additions to manufactured homes other than those which are built into the unit and designed to fold out or extend from it shall be erected only after a building permit shall have been obtained. The building permit shall specify whether such structural additions may remain permanently, must be removed when the manufactured home is removed, or must be removed within a specified length of time after the manufactured home is removed.
23. Storage. Storage of a manufactured home or recreational vehicle is prohibited.
24. Management. In each manufactured home park, the permittee or duly authorized attendant or caretaker shall be in charge at all times to keep the manufactured home park, its facilities and equipment in a clean, orderly, safe, and sanitary condition.

25. Manufactured Home Park. It shall be the duty of the operator of a manufactured home park to keep an accurate register containing a record of all registered occupants. The operator shall keep the register available at all times for inspection by law enforcement officials, public health officials, and other officials whose duties necessitate acquisition of the information contained in the register.
26. Sales in Manufactured Home Parks.
 - a) It shall be unlawful to sell on a commercial basis manufactured homes or trailers within manufactured home parks.
 - b) It shall be unlawful to sell a manufactured home space(s) within the manufactured home parks.

F. MIXED USES

Where permitted, the following shall apply:

1. First floor shall be permitted business uses only.
2. The floor area devoted to the dwelling(s) in the CBD or BD shall not exceed the floor area devoted to the permitted business use(s).
3. The floor area devoted to the dwelling(s) in the PUD or O-I shall not exceed twice the floor area devoted to the permitted business use(s).
4. The minimum floor area for each dwelling shall be 500 square feet and the maximum floor area shall be 1,000 square feet.
5. No mixed-use building shall exceed the maximum height limit established in 3.9 Dimensional Requirements, Table 3.2.
6. No mixed-use building shall exceed 40 feet (i.e. one (1) floor commercial plus two (2) floors residential) in height.
7. Each dwelling shall have a direct means of access to the exterior of the building so that no access to the dwelling is provided through the use located on the lower floor(s) of the commercial building.
8. Parking for such dwelling(s) shall be in addition to that required for the permitted lower floor use(s).
9. Proposed curb cuts and driveways for required off-street parking lots that eliminate existing on-street parking spaces shall replace the number of on-street parking spaces eliminated by said curb cut(s) and driveway(s) within the parking lot being created, in addition to the number of parking spaces otherwise required by this ordinance.

G. MODULAR HOMES

Where permitted, the following shall apply:

1. The pitch of the roof for homes with a single predominant roofline shall be no less than five (5) feet rise for every 12 feet of run.
2. The eave projections of the roof shall not be less than 10 inches (excluding roof gutters) unless the roof pitch is 8/12 or greater.
3. The minimum height of the first story exterior wall must be at least 7 feet 6 inches.

4. The materials used in and the texture of the exterior must be compatible in composition, appearance, and durability to the materials commonly used in the exteriors of standard residential construction.
5. The modular home must be designed to require foundation supports around the perimeter. These may be in the form of piers, piers and curtain walls, piling foundations, perimeter walls, or another type of approved perimeter support.

3.8 NONRESIDENTIAL USE STANDARDS

A. ADULT ESTABLISHMENT

Where permitted, the following shall apply:

1. The sexually oriented business may not be located or operated 1,000 feet of:
 - a) A church, synagogue, or regular place of worship;
 - b) A public or private elementary or secondary school;
 - c) A public library;
 - d) A boundary of any residential district;
 - e) A publicly owned park, beach, beach access, or other recreation area or facility;
 - f) A licensed day care center;
 - g) An entertainment business that is oriented primarily towards children;
 - h) Another sexually oriented business.
2. For the purpose of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where a sexually oriented business is to be conducted, to the nearest property line of the premises of any use listed in (1) above.
3. No more than one (1) adult or sexually oriented business establishment or massage business shall be located in the same building or structure or on the same lot. No person shall permit any building, premises, structure, or other facility that contains any adult establishment to contain any other kind of adult establishment. No person shall permit any building, premises, structure, or other facility in which sexually oriented devices are sold, distributed, exhibited, or contained to contain any adult establishment.
4. No person shall permit any viewing booth in an adult mini motion picture theater to be occupied by more than one (1) person at any time.
5. It shall be unlawful for an owner or operator of a sexually oriented business to allow the merchandise or activities of the establishment to be visible from a point outside the establishment.
6. It shall be unlawful for the owner or operator of a sexually oriented business to allow the exterior portion of the sexually oriented business to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent permitted by the provisions of this article.

7. It shall be unlawful for the owner or operator of a sexually oriented business to allow exterior portions of the establishment to be painted any color other than a single monochromatic color. This provision shall not apply to a sexually oriented business if the following conditions are met:
 - a) The establishment is a part of a commercial multi-unit center; and
 - b) The exterior portions of each individual unit in the commercial multi-unit center, including the exterior portions of the business, are painted the same color as one another or are painted in such a way so as to be a component of the overall architectural style or pattern of the commercial multi-unit center.
 - c) Nothing in this section shall be construed to require the painting of an otherwise unpainted exterior portion of a sexually oriented business.
 - d) A violation of any provision of this section shall constitute a violation of this ordinance.
8. No sexually oriented business, except for an adult motel, may remain open at any time between the hours of 1:00 AM and 8:00 AM on weekdays and Saturdays, and 1:00 AM and 12:00 PM on Sundays.

B. AUTOMOTIVE, MAJOR AND MINOR

Where permitted, the following shall apply

1. Minor automotive establishments are limited in function to dispensing gasoline, oil, grease, antifreeze, tires, batteries, and automobile accessories directly related to motor vehicles; to washing, polishing and servicing motor vehicles, only to the extent of installation of the above-mentioned items; and to selling at retail the items customarily sold by service stations. A minor automotive establishment shall not overhaul motors, provide upholstery work, auto glass work, painting, welding, bodywork, tire recapping, or auto dismantling.
2. Lighting facilities shall be arranged and of such nature that nearby residential properties are not disturbed.
3. All automotive establishments shall extinguish all floodlights at the close of daily operation or 11:00 PM., whichever is earlier.
4. Automotive establishments located within the City shall have no gasoline or oil pump located within 12 feet of any street right-of-way line. Outside the City, no such pump shall be located within 15 feet of any street right-of-way line.
5. Car wash facilities shall be subject to the following requirements:
 - a) Vacuuming, drying and polishing facilities may not be located in any required yard or buffer area adjacent to a residential zoning district.
 - b) At least two staging spaces and one drying space per wash bay shall be provided.
 - c) Hours of operation may be from 8:00 AM to 9:00 PM only, when adjoining a residential zone.
 - d) All vehicular accessible areas on the lot shall be at least 100 feet from any interior lot line separating the lot from a residential zone.

- e) Security light must be shielded from adjacent residential zoned properties to prevent undo bright lights from shining onto/into dwellings.
- f) Loud music is to be controlled by the property owner.

6. Automotive establishments engaged in repair work shall be prohibited from the storage of vehicles on-site for more than 10 days, otherwise such use shall be deemed a salvage operation.

C. BED AND BREAKFAST

Where permitted, the following shall apply:

- 1. Sanitation. Compliance with rules governing the sanitation of bed and breakfast homes, section 2200 of the North Carolina Administrative Code, Title 10, Department of Human Resources.
- 2. Management Plan. The application for a bed and breakfast home should include a management plan.
- 3. An on-site manager shall be required to have permanent residence at any permitted bed and breakfast establishment.

D. BUSINESS, COMMERCIAL, OR OTHER NON-RESIDENTIAL USE NOT ELSEWHERE CLASSIFIED

Where permitted, the following shall apply:

- 1. The Board of Adjustment must find that the proposed use will be similar in character and intensity to other permitted or conditional uses provided for within the district in which it is proposed. Such determination shall be noted as a finding of fact and shall be included in the record of the final disposition of the application.
- 2. Any proposed outdoor operations, inventory display and/or storage must be specifically approved by the Board of Adjustment who may establish any additional conditions as may be determined necessary. Such conditions may include, but shall not be limited to: screening, buffering, increased setbacks or other appropriate conditions up to and including denial of such proposed outdoor use for the location sought for due cause in order to protect, maintain or promote the general public, health, safety and welfare. Such due cause shall be noted as a finding of fact and shall be included in the record of the final disposition of the application.
- 3. Parking and/or loading requirements shall be those noted for the use most closely associated with the proposed use as determined by the Board of Adjustment in conjunction with staff review and recommendation.
- 4. The Board of Adjustment shall reasonably consider and may require the establishment of appropriate hours of operation for the proposed use should they determine such limitation to be appropriate in order to protect, maintain or promote the general public health, safety and welfare.

5. The Board of Adjustment shall consider and may require any additional relevant time, place and manner conditions or restrictions as may be deemed appropriate for the location sought for due cause in order to protect, maintain or promote the general public health, safety and welfare. Such due cause shall be noted as a finding of fact and shall be included in the record of the final disposition of the application.

E. CHURCHES, SYNAGOGUES, & OTHER ASSOCIATED ACTIVITIES, INCLUDING OFFICES, ACTIVITY CENTER, ETC.

Where permitted, the following shall apply:

1. If a school is operated on-premises, parking needs may be satisfied by that already provided by the church. A school having an enrollment certification of 100 or more students shall be considered a separate use and approved as an educational facility. It shall be considered a separate principal use and may be allowed on the same lot so long as the school meets all applicable use, area, bulk, and setback requirements.
2. A single-family residential use, occupied by the pastor, priest, rabbi, and the like of the facility, may be placed on the lot containing the church/house of worship. The structure shall meet all setback requirements for single-family dwellings for the zoning district in which the lot is located. The structure may not be used for day care facilities.
3. If a day care center with an enrollment capacity in excess of 25 students is operated on-premises, the day care center shall be deemed a separate use and approved as such.

F. CLUB OR LODGE

Where permitted, the following shall apply:

1. Outdoor recreational facilities, with the exception of swimming pools, shall be located at least 20 feet from any side or rear lot line, except 50 feet shall be required if in or adjacent to a residential district. Rear and side yard setbacks for outdoor swimming pools shall be 50 feet each, unless adjacent to residential districts.
2. Outdoor swimming pools shall be at least 100 feet from any adjoining residential zoning district.
3. Hours of operation may be between 7:00 AM and 10:00 PM only, if located in a residential zoning district.

G. COMMERCIAL PARKING LOTS

Where permitted, the following shall apply:

1. Landscaping. A screen not less than six (6) feet high of dense plant material is required where lot abuts a residential lot. Plant material shall be of a type which will grow to a height of six (6) feet within five (5) years following planting. Any additional buffering provisions subject to non-residential uses shall apply.

2. Signage. Proposed location of one (1) sign which may be no larger than 10 square feet; sign shall be freestanding and not higher than seven (7) feet above the ground. Two (2) incidental unlighted entrance and exit signs not exceeding two square feet each may be provided at each entrance and/or exit.

H. DAYCARE, ADULT AND CHILD

Where permitted, the following shall apply:

1. All outdoor play areas are to be surrounded by a fence or wall at least four (4) feet in height.
2. There shall be adequate road ingress and egress to and from the site.
3. Traffic generated by the facility shall not be disruptive to any adjacent residentially developed properties.
4. Outdoor play areas may be located in the rear yard or side yard only. If located in the side yard, a minimum side yard setback of ten feet shall be observed. On corner or through lots, a minimum 20-foot setback, as measured from the abutting street right-of-way line, shall be observed. Greater setbacks may be required if otherwise called for in the underlying zoning district.

I. DRY CLEANERS

Where permitted, the dry cleaner shall be limited to a customer pick-up station with 2,000 square feet or less of enclosed floor area. There shall be no on-site dry cleaning or washing of clothes.

J. DRY STORAGE

Where permitted, the following shall apply:

1. All storage areas shall be fenced with a minimum of an eight (8) foot opaque fence and screened with a Type A bufferyard along all property lines, including the front.
2. Dry storage facilities with 10 or more spaces shall provide a dustproof surface with adequate drainage facilities and must comply with the Parking Facility Landscaping requirements contained within this article. Dry storage facilities containing 25 or more spaces shall be paved with concrete, asphalt material, or with alternative paving material determined to exhibit equivalent water resistance and load bearing characteristics as asphalt or concrete.

K. ELECTRONIC GAMING OPERATIONS

Where permitted, the following shall apply:

1. Days/Hours of operation: businesses engaging in electronic gaming operations activities may operate from 8:00 am until 12:00 midnight each day, seven (7) days per week.
2. The maximum number of machines/terminals/computers for any electronic gaming operations business is 20.
3. Minimum paved parking spaces:

- a) One (1) space per every two (2) terminals or one (1) space per every 100 square feet of total floor area, whichever is greater;
 - b) One (1) handicapped space per every 25 or fewer spaces;
 - c) One (1) in every eight (8) accessible spaces, but not less than one, shall be served by an access aisle 96 inches wide minimum and shall be designed "van accessible";
 - d) One (1) additional space per each one (1) employee.
4. All applicable permits must be issued to the applicant prior to the issuance of the conditional use permit and the opening of business.
5. If food or beverage is served, the establishment must meet the requirements of the Brunswick County Health Department, including any and all necessary permits and/or licenses.
6. The establishment must be a minimum of 500 feet from any building being used as a dwelling or residential zoning district.
7. The establishment must be a minimum of 1,000 feet from any other organization engaged in an electronic gaming operations business or any adult and sexually oriented business.
8. The establishment must be a minimum of 1,000 feet from any established religious institution/synagogue, school, daycare center/home, library, public park, recreation area or motion picture establishment where "G" or "PG" rated movies are shown to the general public on a regular basis.
9. A current certificate and straight-line drawing prepared within 30 days prior to application by a registered land surveyor depicting the property lines and the structures containing any existing electronic gaming businesses within 1,000 feet of the property to be certified; the property lines of any established religious institution/synagogue, school, daycare center/home, library, public park, recreation area or motion picture establishment where "G" or "PG" rated movies are shown to the general public on a regular basis that is within 1,000 feet of the property to be certified. For purposes of this Section, a use shall be considered existing or established if it is in existence at the time an application is submitted.
10. Measurement of distance separation shall be in a straight line from the closest point of the buildings at which the internet cafe/sweepstakes business is located.
11. No alcohol.

L. EXTERMINATING SERVICES

Where permitted, the use shall be comprised of administrative offices only, no chemical storage or service vehicles.

M. FARMERS MARKET

Where permitted, the following shall apply:

1. All farmer's market activities must be located open-air with no activities located in permanent structures. No activities may be located within a public right-of-way.

2. Off-street parking shall not be required in the CBD. No activities may be located within a public right-of-way.

N. FLEA MARKET

Where permitted, no activities shall be located within a public right-of-way. Operating hours shall be 8:00 AM to 5:00 PM. Temporary living quarters will not be permitted.

O. FRUIT & VEGETABLE MARKET, WHOLESALE WITH INCIDENTAL RETAIL

Where permitted, all sales and storage of materials, goods, and/or commodities shall be inside the principal structure. In the CBD and BD districts, all outside parking and loading/unloading shall be screened/buffered from adjacent residentially zoned or used property.

P. GOVERNMENT USES WITH BUILDINGS, NON-CITY OF SOUTHPORT

Where permitted, all structures must be designed to closely resemble the neighborhood's basic architecture. All government uses with buildings must also comply with the following:

1. All outdoor lighting is installed so as not to shine or reflect directly onto surrounding properties.
2. All signs shall be non-illuminated.

Q. HELIPAD

Where permitted, the following shall apply:

1. Helipads or heliports shall only be permitted in accordance with a duly established and operated hospital facility.
2. Compliance with federal regulations and standards. The establishment of any helipad and the operation and flight of helicopters within and above the corporate limits of the city shall at all times comply and be in conformity with at least the minimum of all pertinent regulations and standards promulgated from time to time by the Federal Aviation Administration and other applicable federal agencies, with particular reference to applicable federal air regulations, civil air regulations, and advisory circulars or successor publications.
3. Minimum altitude for helicopter flight. Except when necessary for take-off or landing, no person may operate a helicopter below the following altitudes:
 - a) Generally. An altitude allowing, if a power unit fails, an emergency landing without undue hazard to persons or property on the surface. In addition, each person operating a helicopter shall comply with the routes, altitudes and other directions and regulations specifically prescribed for helicopters by any rule or ordinance pertaining to the same. At no time shall a helicopter be below 500 feet without special permission granted by the City Manager.
 - b) Over congested areas. Over any congested area of the city or over any open-air assembly of persons, an altitude of 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet of the helicopter.
 - c) Over other than congested areas. An altitude of 500 feet above the surface of open fields or areas upon which there are no trees, building or

other obstacles; provided, however, the helicopter shall not be operated closer than 500 feet to any person, vehicle, vessel, tree, tower or structure.

4. Permit to operate helipad – Required; application; issuance; terms and conditions.
 - a) No helipad shall be established or used unless an application for the establishment of the same shall have first been filed in writing with and approved by the Board of Adjustment. Such application shall contain a description of the proposed location, dimensions, obstruction clearance planes, proximity and height of nearest buildings, trees, towers or other structures, characteristics of the immediate area of such helipad and such other information as the Board of Adjustment may require.
 - b) If the Board of Adjustment finds and determines that the public safety and convenience will be preserved and a nuisance or other burdensome condition will not be created and that the public interest will not be adversely affected by the establishment and use a helipad at such site and under such conditions and that such use at such site will be in accord with pertinent zoning regulations, it may issue a permit for the establishment and use of such helipad and the operation of helicopters to and from the same. The Board of Adjustment may impose such terms and conditions in the issuance of such permit as it determines to be necessary in the promotion of the public safety, convenience, health and welfare.
 - c) No helipad shall be established or used unless such permit therefore has been granted under the provisions hereof and the required insurance has been issued and is in effect as required in this article.
5. Compliance with safety and fire prevention standards. As a further condition precedent to the issuance of a permit to establish and use a helipad and to land and take-off helicopters from such helipad, the applicant for such permit shall first secure written certification from the City Manager that the helipad being considered complies with all safety and fire prevention standards necessary for the safety of the operation and adjacent properties and with the other provisions in this section.
6. Area, design, construction, and location of heliports and helipads.
 - a) The minimum dimension of the area which describes an approved helipad shall be equal to not less than 1 ½ times the diameter of the rotors of the helicopter.
 - b) Approved helipads shall be so located that at least two (2) obstruction clearance planes are available which are compatible with the flight characteristics of the helicopter. Obstruction clearance planes shall be selected with due regard to the safety and convenience of persons and to the safety of property on the surface.

- c) That is such helipad is to be elevated in any manner by being constructed on a platform or on the roof of a building, such platform or building shall be inspected and approved as structurally safe for use by a certified structural engineer at the expense of the applicant.
- d) That is such helipad is to be at ground level it shall either: (a) be located in an enclosed area which does not permit access by the public at will, or (b) be completely enclosed by a fence or wall, either temporary or permanent, designed so as to provide safety for persons, vehicles or other things in the area.
- e) That the design, construction and physical characteristics of any such helipad shall conform to applicable standards, rules and regulations of the Federal Aviation Administration. That the plans and specifications of any such helipad shall be submitted to the City Manager of the City of Southport for examination and determination whether they conform to any applicable provisions of the existing building code, and the necessary permits, if any are required pursuant to such code, shall be obtained before any construction is begun.
- f) Landing Pad. Every helipad located above ground level shall be provided with a landing pad constructed in accordance with applicable Building Codes and/or FAA Regulations.
- g) Dust-Proof Cover. All helipad landing areas shall be composed of asphalt.
- h) Lighting. Any helipad intended to be used for night landing or take-off shall be provided with flood lights which are directed toward the ground and windsock only, and with linear perimeter lighting of fluorescent or cold cathode type, or by amber lights spaced around the helipad pad, not less than 20 feet apart.
- i) All elevated helipads shall be restricted to helicopters not exceeding the gross weight or load rating stated in the application for permit or permits.
- j) All helipads shall be marked in accordance with FAA criteria.
- k) Fencing. Every ground level helipad shall be fenced and protected to prevent entrance of unauthorized personnel with a fence, a minimum of 36 inches in height, entirely surrounding the minimum helipad area as established by the FAA; except that the minimum fence height may be increased 12 inches for each 10 feet that the landing area is extended beyond the minimum area required. Other fencing shall be in accordance with applicable Building Code requirements, if any. Each side of this fence shall be marked with an appropriate warning sign, two (2) feet by two (2) feet in size.

7. Minimum Area. No permit shall be issued for a helipad which does not meet the minimum area standards of applicable FAA regulations.

8. Safety Features Required. No permit for the operation of helipad shall be approved by the Chief of the Southport Fire Department until the following fire prevention equipment is provided at the site of the proposed helipad:
 - a) A set standpipe not less than two and one-half inches in diameter shall be provided at each helipad landing site. This standpipe shall be provided with a hose sufficiently long to reach the landing pad. This hose is to be equipped with a spray nozzle and a water supply sufficient to efficiently operate same.
 - b) When a set standpipe cannot be provided, a Badger 50 lb. wheeled A, B, C extinguisher unit: 50 lb.A/B/C wheeled (30- A, /160-B,C) $\frac{1}{2}$ ' hose 25' long w/quick release handle and tires of hard rubber, shall be provided.
 - c) A telephone, other than a pay phone, shall be provided at each helipad for emergency purposes.
 - d) Any elevated, or roof-top landing area shall be provided with two exits as remote from each other as practical; at least one of the exits shall be a stairway exit. The other exit may be an emergency exit leading from the area by means of a ladder or a stairway on any landing area.
 - e) No smoking shall be permitted on any landing area.
 - f) No fueling or major repairing of helicopters shall be permitted at any helipad.
 - g) Fire protection and other required emergency equipment shall be properly sheltered from weather.
9. No permit shall be approved by the Board of Adjustment until they are sufficiently satisfied that no inordinate danger to the public will be created by operation of helipads or by external load of temporary landing operations.
10. Inspection. The Fire Chief, Police Chief or the Building Inspector, or any of their authorized personnel, shall have authority to make periodic inspections of the helipad to determine that all the requirements of a permit issued are complied with.
11. Proof of Air Operation Liability Insurance or Bonding of Aircraft Operator. All operators of all aircraft using these facilities shall file proof of possession of adequate insurance or other surety in the amount of \$1,000,000.00, in case of accidents, fires or personal or property damage resulting from operation of their facility or aircraft.
12. Notice of Construction, Alteration or De-activation Required by Federal Law. All applicants shall give proper notice to the United States of American of construction, alteration or de-activation as required by Federal Law on FAA Form 7480-1. Proof of this notice shall be submitted with the application.
13. Approach Zone. A helipad shall provide at least two approach lanes at least 90 degrees apart for landing or takeoff, sufficiently clear of obstructions to provide a slope of 1:8, approximately 7 degrees measured from the horizontal. Any curved approach necessary due to the obstruction of buildings or structures shall

provide a turning radius of 600 feet. The flight approach to a helipad shall be over open area and along major transportation corridors to the extent possible.

R. HOTEL, MOTEL OR INN

Where permitted, the following shall apply:

1. The lot size shall be a minimum of one (1) acre.
2. The primary means of ingress and egress shall be via a major thoroughfare as designated on the Brunswick County Comprehensive Transportation Plan (CTP).
3. The property shall have a minimum of 200 feet of frontage on a major thoroughfare.
4. Any building on the site must be a minimum of 200 feet from any residential district.
5. In the HC district, the building height may exceed 40 feet if approved by the Board of Adjustment and if the building satisfies the following:
 - a) The City of Southport Fire Chief finds that the City can provide adequate/safe fire protection.
 - b) Buildings which exceed 40 feet in height and are located on parcels adjacent to residentially zoned property must have an additional one-half ($\frac{1}{2}$) foot of both rear and side yard setback for each one (1) foot of building height over 40 feet.

S. HOTEL, RESIDENTIAL OR BOUTIQUE

Where permitted, residential or boutique hotels shall be limited to 10 or fewer rooms or suites. There shall not be any exterior accessory uses (including swimming pools) except for off- street parking and structures associated with landscaping.

T. JAIL

Where permitted, jails shall not be sited within 200 feet of any existing church, school, or day care facility. The jail shall be fenced and screened as provided in the case of salvage operations and junkyards.

U. KENNEL

Where permitted, the following shall apply:

1. All pens shall be enclosed in a building.
2. The property on which the kennel is to be located shall be no closer than 200 feet to any residential zoning district.
3. Limited outdoor exercise runs or facilities shall be permitted so long as their hours of use are restricted to the hours between 8:00 a.m. and 5:00 p.m.

V. MANUFACTURING, INTENSIVE

Where permitted, the following shall apply:

1. The approved conditional use must demonstrate compliance with all state and federal environmental regulations including assurances of non adverse impact(s)

on air or water quality. An environmental impact assessment may be required as a part of the conditional use permit and must be prepared and sealed by a North Carolina Licensed and Registered Engineer.

2. The use will not overly impact the ability of a public agency to collect and/or treat any wastewater generated by the use or the ability of the public agency to treat and distribute any potable water needed by the use.
3. The use will not overly impact (impact beyond capacity) the system of streets serving the use, or improvements will be made to the streets in consort with the development of the use, the result of which will be adequate handling of the additional traffic generated.
4. Not only will the use meet the minimum screening requirements of this ordinance, but also additional screening will be installed, as necessitated by the visual characteristics of the particular use, so that the use will be screened from view of adjoining residential districts, or the nature of the topography makes the screening from distance view from the residential areas impossible, and other measures such as heavy on-site landscaping will be taken to lessen any near or distance visual impacts.

W. MARINA, COMMERCIAL

Where permitted, the following shall apply:

1. Activities and possible uses on the marina property shall be limited to wet boat storage, dry stack boat storage, boat service and repairs, boat accessory sales, ship's store, coffee shop, boat trailer parking areas, automobile parking areas, launching ramps, piers, and boat petroleum service areas.
2. If dry stack boat storage buildings are located as part of the commercial marina, it shall be located no closer than 30 feet from any property line unless such property line abuts the water.
3. Dry stack boat storage buildings shall be fully enclosed.

X. MICROBREWERY AND MICRODISTILLERY

Where permitted, the following shall apply:

1. Microbreweries or microdistilleries shall not exceed 10,000 square feet of gross floor area, except that there is no size limit within the HC and LI Zoning District.
2. Required parking shall be calculated based on square footage proposed for each use.
3. Storage of materials, including silos, products for distribution and other items requiring long-term storage shall be allowed in areas behind a building, in enclosed buildings, or otherwise screened from the public right-of-way or pedestrian way.
4. All microbreweries or microdistillers shall include one (1) or more accessory uses such as a tasting room, tap room, restaurant, retail, demonstration area, education and training facility or other use incidental to the facility and open and accessible to the public.

5. All microbreweries or microdistillers shall be designed such that all newly constructed loading and unloading facilities (if applicable) are internal to the site or in-service alleys or back of building.

Y. MOBILE VENDOR OR FOOD TRUCK

Where permitted, the following shall apply:

1. **Zoning Permit.** A zoning permit is required for each site and must be signed by the property owner, including the city, and completed and submitted along with a minor site plan (the site plan may be sketched). The zoning permit shall be renewed annually upon issuance. If a property owner has a property large enough to accommodate more than one mobile vendor, only one zoning permit is required to be submitted showing the location of all mobile vendors. The minor site plan must show the limits of the property, the location(s) of the proposed mobile vendors, and label adjoining uses on neighboring properties. The applicant must also submit a NC Department of Agriculture Permit and a copy of the vehicle or trailer registration.
2. **Place of Operation.** Mobile vendors may operate on an individual property for a maximum of 120 days per 12-month period. Mobile vendors and all related equipment shall be removed from the site following the permitted hours of operation.
3. Mobile vendors may not park in handicapped accessible parking spaces, nor can they park in access or drive aisles. The approved location for parking the trucks, as shown on the zoning permit, must be physically marked. The food truck parking space can be marked with paint, tape, cones, or other easily identifiable material.
4. **Prohibitions.** All equipment associated with a mobile vendor must be located within three (3) feet of the vendor. The operator is responsible for disposing of all trash associated with the operation. City trash receptacles may not be used to dispose trash or waste. All areas within five (5) feet of the mobile vendor must be kept clean. Grease and liquid waste may not be disposed in tree pits, storm drains, the sanitary sewer system or public streets. Mobile vendors are all subject to the City-wide noise ordinance.
5. **Maximum Number of Mobile Vendor Locations Per Property.**
 - a) Maximum of two (2) vendors on lots of one-half acres or less.
 - b) Maximum of three (3) vendors on lots between one-half acre and 1 acre.
 - c) Maximum of four (4) vendors on lots greater than 1 acre.
6. **Food Truck Location.** Food trucks must be located at least 50 feet from the front door of any restaurant and outdoor dining area and at least 50 feet from any permitted mobile food vending cart location. These minimum distance requirements are all measured in a straight line from the closest point of the proposed food truck location to the closest point from the buffered point, or in the case of a restaurant measured from the closest point of the restaurants main entrance. If a zoning permit is issued and a restaurant subsequently opens within

50 feet (measured from the restaurants main entrance) of the approved food truck location, the food truck may continue to operate until the permit expires.

7. Temporary outdoor seating associated with a food truck is only permitted on lots at least two (2) acres in size or greater.

Z. NIGHT CLUBS, NOT CONTAINED IN RESTAURANTS, MOTELS OR SIMILAR BUSINESSES

Where permitted, no part of a parcel of property containing a night club shall be located within 500 linear feet of any portion of a parcel of property containing a residence or residences.

AA. NURSING AND PERSONAL CARE FACILITY

Where permitted, the following shall apply:

1. Any facility which is licensed to have greater than 50 residents shall maintain a side setback of at least 20 feet and a rear setback of at least 35 feet when the side or rear yard is in or abuts a residential district or a lot containing a principal residential use, unless a greater setback is otherwise required for the zoning district in which it is located.
2. No sign exceeding four (4) square feet in area shall be permitted and all signs shall be non-illuminated.
3. The lot size shall be no less than 5,000 square feet.
4. The construction and operation of such facilities shall comply with the provisions of the General Statutes of the State of North Carolina and any other applicable federal, state, or local codes.

BB. PACKAGE DELIVERY SERVICES, COMMERCIAL

Where permitted, exterior loading areas must be completely screened from view from any public right-of-way.

CC. RADIO & TELEVISION STATIONS, STUDIOS, AND OFFICES

No communication towers are permitted. Satellite dishes must be screened from ground level view.

DD. RECREATIONAL VEHICLE PARKS (INCLUDING TRAVEL TRAILERS)

Where permitted, the following shall apply:

1. An RV Park shall require a minimum lot size of three (3) acres.
2. A minimum of 8% of the total land area shall be devoted to accessible common open spaces intended for recreational use. These open spaces are separate from the individual RV sites, hereinafter referred to as campsites, and shall be grouped and of character suitable for active and passive recreation and shall be reasonable located for safe and convenient access to residents. Sufficiency of size of each open space shall be determined by the Board of Adjustment.
3. A buffer strip of at least 10 feet in width shall be maintained along all public road frontages and along the perimeter of the RV Park. These buffers shall be free of all encroachment by campsites, buildings or structures, parking areas or impervious coverage.

4. An RV Park shall contain at least 15 individual campsites.
5. All campsites shall be located on land with elevations that are not susceptible to flooding. Campsites shall be graded to prevent any water from ponding or accumulating within the park. Each campsite shall be properly graded to obtain a reasonably flat area and to provide adequate drainage away from the space. This requirement is not intended to circumvent FEMA regulations or the City of Southport Flood Damage Prevention Ordinance.
6. Each campsite shall be located at least 30 feet from the edge of any publicly-maintained street or road.
7. RV Park shall be designed to prevent overcrowding, fire hazards, and to provide sufficient light and air. In no case shall an individual campsite be less than 1,250 square feet in area or have a minimum average width of less than 25 feet. In no case shall an RV be parked closer than 15 feet to another RV.
8. No campsite shall have direct vehicular access to a public road.
9. Each campsite shall be identified by a permanent number which may not be changed. The appropriate number of each campsite must be permanent and visibly displayed on each space. Each number shall be placed on a concrete, wood, metal, or any permanent post and conspicuously located on the campsite.
10. Each RV Park and any future additions thereto must meet the minimum standards and requirements set forth in the International Building Codes with North Carolina Amendments for sanitation and plumbing installations, accommodations, use and any associated parking. These structures may also contain a retail sales counter and/or coin operated machine for the RV Park residents' use, provided there is no exterior advertising. Vending machines also may be permitted in a sheltered area provided there is no exterior advertising on the structure. All service structures shall be maintained in a clean and sanitary condition and kept in good repair at all times. Structures shall be safely and adequately illuminated. Facilities shall be easily accessible and conveniently located to all users of the RV Park. All structures shall be constructed in accordance with the International Building Code with North Carolina Amendments, and shall meet Building Code and/or UDO setback requirements.
11. In addition to the prohibition on advertising on vending structures, the sign regulations for the base zoning district in which the RV Park is located shall apply.
12. Parking within the RV Park shall take place off an internal street within designated parking areas only.
13. Access to all campsites and accessory structures within the RV Park shall be made using internal streets.
14. Internal Street Standards
 - a) One or two-way streets shall be used throughout the RV Park. Such streets shall be well-maintained and clearly identified. All streets within the RV Park shall be privately owned and maintained. Each campsite shall abut an internal street within the RV Park.

- b) Streets shall have a minimum width of 20 feet for two-way streets and 14 feet for one-way streets.
- c) Any dead-end shall be provided with a permanent turnaround with a minimum radius of 40 feet.
- d) All internal streets within the RV Park shall be surfaced with a minimum of six (6) inches of compacted stone and shall be capable of supporting the imposed load of fire apparatus in accordance with the Fire Apparatus Access Roads Standard in the North Carolina Fire Code (NC Fire Code Section 503, fire apparatus weighing at least 75,000 pounds) and be equipped with adequate and suitable drainage facilities.
- e) Maintenance of all internal streets and drainage facilities shall be the responsibility of the owner of the RV Park. Such streets shall be maintained in a manner to be free from pot holes, breaks in the pavement, rough surfaces, ponding of water and associated problems which would impede or cause hazards to motor vehicles. Speed reduction bumps on paved internal streets are permissible, but they shall be painted and appropriate signs indicating the bump must be placed along the street.
- f) All internal streets shall be subject to annual inspections by the City of Southport Code Enforcement Officer or Building Inspector per Section 106 of the North Carolina Fire Code.

15. External Access

- a) An RV Park shall not be located on through lots. RV Park roads shall be designed to slow traffic.
- b) An RV Park with only one point of external access shall provide at least one permanent turnaround within the campsite. All external access must be approved by the Southport Public Services Director or the North Carolina Department of Transportation if the connecting street is a state-maintained road.
- c) Any proposed electronic vehicular access gates or barricades must be siren-activated for Emergency Vehicle access.

16. Water

- a) An accessible, adequate, safe and potable supply of water shall be required. Where public, municipal, or community water systems exist within 1,000 feet of the park, the developer shall connect to such system.
- b) Internal water distribution systems shall be installed in accordance with minimum City Standards.

17. Sewer

- a) Adequate and safe sewage disposal facilities shall be provided in all RV Parks. Where public, municipal, or community sewer systems exist within 1,000 feet of the RV Park, the developer shall connect to such system.

- b) Each RV Park shall provide at least one sewage dumping station for each 100 campsites which are not equipped within individual sewer and water connections. Sewage dumping stations shall be approved by the Brunswick County Health Department or the North Carolina Division of Water Quality.
- 18. RV Park Operation
 - a) The person to whom an operating permit for an RV Park is issued shall operate the RV Park in compliance with this ordinance and shall be responsible for maintaining the RV Park, its facilities and equipment in good repair and in a clean and sanitary condition.
 - b) The RV Park owner shall notify its visitors of all applicable provisions of this ordinance and inform them of their responsibilities under this ordinance.
 - c) The RV Park owner shall be responsible for refuse collection. Storage, collection, and disposal of refuse shall be so managed as not to create health hazards, rodent harborage, insect-breeding areas, accident, fire hazards, or air pollution. Any refuse storage devices shall be enclosed on three sides by opaque fencing material. The method of garbage disposal shall be noted on the plan and approved by the City of Southport Board of Adjustment.
 - d) Swimming pools or bathing areas shall be installed, altered, improved, and used in compliance with applicable County and State Health Services regulations. Any bathing area shall require the approval of the Brunswick County Health Department.
 - e) Except as specifically permitted by this paragraph, it shall be unlawful to locate a mobile home in an RV Park. Two (2) mobile homes shall be permitted to be located within a RV Park to be used as residences of persons responsible for the operation and/or maintenance of the RV Park.
 - f) No more than one (1) RV camper may be parked on any one (1) campsite.
 - g) RV campers and travel trailers shall not be permitted on parcels, lots, or spaces other than those approved through these regulations.
 - h) The transfer of title of campsites, either by sale or by any other manner shall be prohibited within any RV Park.
 - i) All RV campers must be placed individually on approved campsites where all design standards and utilities have been completed.
 - j) Junked or wrecked vehicles shall be prohibited in an RV Park.
- 19. Inspection
 - a) The Brunswick County Health Department, the City of Southport Building Inspector, the City of Southport Code Enforcement Officer and the Public Services Department are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with

this ordinance. It shall be the duty of the owners of RV Parks to give these agencies free access to such premises at reasonable times for inspections.

EE. RESEARCH & DEVELOPMENT

Where permitted, the research and development activity must not include/require any hazardous materials. All research and development activities must be enclosed in a permanent structure.

FF. SALVAGE OPERATIONS

Where permitted, the following shall apply:

1. Any portion of the proposed use/site must be located at least 500 feet from any residentially zoned property.
2. The salvage operation and junkyard shall be entirely surrounded by a screened security fence or by a nonscreened security fence/vegetation screen. In the event that a salvage operation or junkyard shall be surrounded by a nonscreened security fence, the vegetation screen shall be planted on at least one side and contiguous to the security fence. The vegetation shall be of a type that will reach a minimum height of six (6) feet within five (5) years and shall be planted at intervals evenly spaced and in close proximity to each other so that a continuous, unbroken hedgerow will exist along the length of the security fence surrounding the salvage operation or junkyard. Each owner, operator, or maintainer of a salvage operation or junkyard to which this ordinance applies and who chooses to surround said salvage operation or junkyard with a security fence and vegetation screen shall utilize good husbandry techniques with respect to said vegetation, including, but not limited to, proper pruning, proper fertilizer and mulching so that the vegetation will reach maturity as soon as possible and will have maximum density and foliage. Dead or diseased vegetation shall be replaced at the next appropriate planting time.
3. The security fence shall be maintained in good order and shall not be allowed to deteriorate. All gates shall be closed and securely locked at all times, except during business

GG. SHOPPING CENTER

Where permitted, all exterior lighting shall be directed onto the proposed shopping center site. Within the CBD district, no individual establishment shall include a drive-through nor be greater than 3,000 square feet in area. Within the BD district, no individual establishment shall be greater than 5,000 square feet in floor area.

HH. SHOOTING RANGE, INDOOR AND OUTDOOR

Where permitted, the following shall apply:

- A. This section is intended to regulate the establishment and operation of shooting range facilities. Such recreational and training complexes, due to their potential noise impacts and safety concerns, merit careful review to minimize adverse effects on adjoining

properties. Further, the regulations of this section have been made with reasonable consideration among other things, as to the character of the City and its areas and their peculiar suitability for these businesses and recreational facilities.

- B. It is the intent of this section to accomplish the following:
 - 1. Shot containment. Each shooting range facility shall be designed to contain the bullets, shot or arrows on the range facility within the safety fan zone.
 - 2. Noise mitigation. Each shooting range facility shall be designed to minimize offsite noise impacts generated by the activities conducted on the range facility.
- C. All new shooting facilities shall be designed, constructed and operated in strict compliance with National Rifle Association (herein referred to as the N.R.A.) standards, specifically "The Range Manual, A Guide to Planning and Construction," Section 1: Chapters 1 through 7, Section 2: Chapters 1 through 18, Section 3: Chapters 1 through 12; Section 4 and verified by the NRA Range Technical Team, National Shooting Sports Foundation (NSSF), the U.S. Occupational Safety and Health Administration (OSHA:), and the National Institute of Occupational Safety and Health (NOISH). In addition, construction standards shall comply with all appurtenant North Carolina Building Codes and verified by a professional engineer.
- D. Setbacks. All outdoor shooting stations on a range facility shall be located a minimum of 150 feet from any property line.
- E. Warning signs. Warning signs meeting N.R.A. guidelines for shooting ranges shall be posted at 100-foot intervals along the entire perimeter of the outdoor shooting range facility.
- F. Distance from occupied dwelling. All outdoor shooting range stations shall be located at least 1,000 feet from any occupied dwelling, excluding those dwellings occupied by the range owner and staff of the range. A shooting range lawfully operating as a conforming use shall not be rendered nonconforming by the subsequent location of a residence within 1,000 feet of the shooting station.
- G. The permittee shall be required to carry a minimum of \$500,000 of liability insurance. Such insurance shall name the city as an additional insured party and shall save and hold the city, its elected and appointed officials and employees acting within the scope of their duties harmless from and against all claims, demands and causes of action of any kind or character, including the cost of defense thereof, arising in favor of a person or group's members or employees or third parties on account of any property damage arising out of use of the range, or in any way arising out of the acts or omissions of the permittee, his/her group, club or its agents or representatives. The City shall be notified of any policy changes or lapses in coverage.
- H. The site plan shall also include a complete layout of each range, including shooting stations or firing lines, target areas, shotfall zones or safety fans, backstops, berms and baffles, when necessary and projected noise contours;
- I. Permit display. Permits shall be kept and displayed in a readily visible location on the shooting range facility and at all times be available for public inspection.
- J. Changes or expansions. If any shooting range facility is intended to be substantially changed or expanded to include types of ranges, operations or activities not covered by

an approved permit or otherwise cause nonconformance with this section, a new permit for the entire facility shall be secured.

K. Abandonment and discontinuance. When an existing shooting range is discontinued without the intent to reinstate the range use, the property owner shall notify the city of such intent by providing written notice to the UDO Administrator.

II. SHORT-TERM VACATION RENTALS

Where permitted, the following shall apply:

1. No displays of goods, products, services, or other advertising shall be visible outside the dwelling.
2. No activities other than lodging shall be provided. Special events, including weddings, receptions, and other large gatherings, are expressly prohibited.
3. Off-street parking requirements shall be consistent with residential use requirements in 3.14 D.
4. No signage shall be allowed for short-term vacation rentals.
5. The length of stay of guests shall be less than 30 days.
6. Exterior lighting shall be residential in nature and shall comply with the lighting requirements in the UDO.
7. Rental rules, including the maximum number of guests per stay, prohibition of any large gatherings, trash disposal procedures and sanitation schedules, noise ordinance hours, where guests are to park, and emergency contact information must be posted in a common area of the unit.
8. All Short-Term Vacation Rentals operating within this planning jurisdiction shall have a designated responsible party who is available twenty-four hours a day during all times that the property is rented or used on a transient basis. The name, telephone number, and email address of the designee shall be conspicuously posted within the short-term rental unit. The designee shall reside within (20) miles of the short-term rental property and be available to respond to complaints within forty-five (45) minutes of their receipt.
9. The short-term vacation rental owner or operator shall maintain a minimum of \$1,000,000 of general liability insurance on the property, covering short-term vacation rental use and guests.
10. The short-term vacation rental owner or operator must pay any applicable taxes, including occupancy and sales taxes, to appropriate governmental entities.
11. The short-term vacation rental shall comply with all current and applicable building codes.
12. A zoning permit shall be required prior to the establishment of any Short-Term Vacation rental use.
13. Short-term vacation rentals in residential zoning districts (R-10, R-20, MF) shall be considered nonconforming and only permitted with the following standards and restrictions:

- a) A short-term vacation rental in residential zoning districts must have been in operation as a short-term vacation rental prior to the date of the adoption of the standards and regulations herein. For purposes of this ordinance, in order to have been in operation prior to the adoption hereof, the short-term vacation rental must have received verifiable bookings prior to the date of adoption of this ordinance. No new short-term vacation rentals may be established and/or permitted in residential zoning districts (R-10, R-20, MF) after the adoption of the standards and regulations herein.
- b) To establish the legal nonconforming status, pre-existing short-term vacation rentals in residential zoning districts (R-10, R-20, MF) must apply for a short-term vacation rental permit within 60 days of the adoption of the standards and regulations herein.
- c) Legal nonconforming short-term vacation rentals in residential zoning districts may continue in operation until such time that the use is discontinued for a period greater than 180 consecutive days, provided, however, that rental of the dwelling unit for periods of longer than thirty (30) days shall not be deemed a discontinuance during said rental period for the purpose of this section.

14. Any short-term vacation rental for which there are three (3) final determinations of violations of City Code and/or criminal convictions related to the property (on, adjacent to, or within the property) by a property owner, tenant, guest, host, lessee, or individual otherwise related directly to the property within any rolling three hundred sixty-five (365) day period, shall constitute a violation of the supplemental standards of the permitted use and shall terminate the short-term vacation rental zoning permit. For any short-term vacation rental zoning permit that is terminated due to code/criminal violations, a property owner shall be ineligible for permitting for a period of three (3) years.
15. The rights and claims to operate a legal nonconforming short-term vacation rental are forfeited after three (3) final determinations of violations of the City Code and/or criminal convictions related to the property (on, adjacent to, or within the property) by a property owner, tenant, guest, host, lessee, or individual otherwise related directly to the property within any rolling three hundred sixty-five (365) day period.

JJ. SOLAR FARM

Where permitted, the following shall apply:

1. Solar farms shall be located a minimum of 100 feet from all property lines (inclusive of equipment and fencing).
2. Solar farms shall have fencing installed a minimum of six (6) feet in height and secured to reduce/eliminate trespassing.
3. Height. The maximum height of any solar panel and associated equipment (not including power lines) shall not exceed 25 feet.

4. Buffers. Evergreen buffers having a minimum of three (3) feet in height at the time of project construction and reaching a minimum of eight (8) feet in height within five (5) years.
5. Landscaping including vegetative buffers, security fences and gates shall be maintained for the duration of the solar farm operation, up to and including decommissioning (dismantled/removed).
6. Vegetative buffers shall be installed (exception granted if an existing natural buffer meeting the requirements of this ordinance exists) surrounding the solar farm site to screen adjacent properties - with the exception of the entrance-road frontage of the lot or parcel where a buffer is not required.
7. Solar panels/arrays shall be constructed so as to minimize glare or reflection onto adjacent properties and roadways.
8. Decommissioning. The UDO Administrator shall be advised, in writing within thirty (30) days, by the solar farm operator or property owners (whichever entity/party holds the zoning and building permits holder) in the event the project is sold or otherwise transferred to another entity/party and/or the current operator/owner abandons the project.
9. At the time of applying for permits the applicant (solar farm developer or property owner) shall include a decommissioning plan with the anticipated life expectancy of the solar farm and the anticipated cost in current dollars, as well as the method (s) of insuring that funds will be available for decommissioning and restoration of the project site to its original, natural condition prior to the solar farm development.
10. If the site is damaged, the solar farm operator shall have 12 months to bring the project back to its operational capacity and within compliance with the UDO. If for any reason the solar farm is not generating electricity after six (6) months, the operator shall have six (6) months to complete decommissioning of the solar farm in compliance with this section.
11. In the event of bankruptcy or similar financial default of the solar farm, the property owner of the project site shall bear the decommissioning costs.
12. Other Applicable Codes/Inspections. All solar farms shall be in compliance the requirements of the most current State Building and Electrical Codes, the State of North Carolina and the City of Southport.
13. All active solar farms shall be inspected by the UDO Administrator or his designee on an annual basis to ensure compliance with applicable State Building and electrical Codes.
14. Each solar farm shall be required to have the facility inspected annually for three (3) years by the UDO Administrator or his/her designee following the issuance of a Certificate of Occupancy to verify continued compliance with the UDO as applicable.
15. Additional inspections shall be conducted as necessary in the event of complaints and shall not replace the noted inspections outlined in this section.

KK. STORAGE, SELF-SERVICE

Where permitted, the following shall apply:

1. All storage compartments within the facility shall front on a private drive having a minimum width of 25 feet to ensure sufficient room for vehicular circulation, loading and parking.
2. Driveways providing ingress and egress to the site shall not permit any parking or loading extending to within 30 feet of the adjoining street right-of-way.
3. If the facility has a locked and keyed entrance, two (2) staging spaces must be provided directly in front of the entrance.
4. All self-storage facilities must have a minimum setback of 100 feet from any adjacent residential zoned property.
5. If the facility is located adjacent to a residential district; hours of operation may be from 8:00 AM to 9:00 PM only.
6. Security lights are to be shielded from all residential zoned property adjacent to mini-warehouses to prevent undo bright lights shining onto/into houses.
7. Accessory outdoor and dry storage may be permitted subject to the required use standards for each.

LL. TAXICAB STANDS

Where permitted, taxicab Stands shall be limited to parking spaces to accommodate five (5) or less taxicabs. No use or parking space shall be located on a public right-of-way. Signage shall be non-illuminated and limited to six (6) square feet.

MM. TELEPHONE COMMUNICATION FACILITY, UNATTENDED

Where permitted, all structures must be architecturally consistent with adjacent properties. Cell or communication towers will not be permitted. Satellite dishes must be screened from ground level view.

NN. TRANSITIONAL HOUSING

Where permitted, the following shall apply:

1. There shall be two parking spaces for each dwelling unit and one (1) parking space for each 300 gross square feet of office area.
2. Transitional Housing Facilities shall be screened from adjacent properties with an eight (8) foot opaque fence where adjacent to residential.
3. Transitional Housing Facilities shall have a maximum of five (5) dwelling units

OO. WAREHOUSING, GENERAL

Where permitted, the wholesale of non-durable goods shall not be located within 500 feet of any portion of any residentially used or zoned property.

3.9 DIMENSIONAL REQUIREMENTS

A. GENERAL

1. The following dimensional standards shall be regarded as the minimum required for each zoning district. The minimum yards, setbacks, or other open spaces

required by this ordinance, including those provisions regulating intensity of use, for each and every building hereafter erected or structurally altered shall not be encroached upon, unless specifically authorized by this ordinance, or considered as meeting the yard or open space requirements or the intensity of use provisions for any other building.

2. The location of required front, side, and rear yards on irregularly shaped lots shall be determined by the UDO Administrator. The determination will be based on the spirit and intent of this ordinance to achieve an appropriate spacing and location of buildings and structures on individual lots.

Table 3.2: Dimensional Requirements by Zoning District						
Zoning District	Minimum Lot Size (square feet)	Minimum Lot Width (feet)	Minimum Front Setback (feet)	Minimum Rear Setback (feet)	Minimum Side Setback [1] (feet)	Maximum Height Limit (feet)
R-10	10,000	75	25	20	8	40
R-20	20,000	100	40	25	12	40
MF	13,750	100	25	20	8	40
MH	5,000	50	20	20	4	40
PUD	Section 4.15	Section 4.15	Section 4.15	Section 4.15	Section 4.15	40
O/I	12,000	70	25	15	10	40
CBD	0	0	0	0	0	30(2)
BD	0	0	0	10	0	30(2)
HC	10,000	75	25	20	8	40
LI	10,000	75	25	20	8	50
HI	43,560	100	25	25	15	100
OS	None	None	None	None	None	None

1. Where any side yard is provided, though not required, the same shall be not less than four (4) feet.

2. In "Special Flood Hazard Areas" within CBD and BD, where regulatory flood protection elevations are required, the maximum height limit shall be forty (40) feet.

B. SETBACK EXCEPTIONS AND ENCROACHMENTS

1. Nonconforming lots which are located in the R-10 district may be granted rear and side yard setbacks proportionate to the size of the lot. Example: If a 10,000 square foot lot is required and the lot is 6,000 square feet, a 40 percent reduction is allowed.
2. Reduction of Minimum Front setbacks In Residential Districts Where Lots Along Block Face Have Less Than The Required Minimum. Where the front setbacks of lots along the block face containing a subject lot are less than the minimum front yard setback of the district, the average front yard setbacks of the lots along the block face containing a subject lot shall be the minimum front yard for such lot, with the exception that no house may be constructed over city utility easements, including sidewalks.

3. Docks, piers, boardwalks, and similar water-based appurtenances in compliance with CAMA regulations are not subject to setback requirements.
4. Steps, fire escapes, stairways, balconies and chimneys may project into a minimum setback not more than four (4) feet.
5. Sills, cornices, buttresses, ornamental features, gutters, and eaves shall not extend more than 18" into a required setback. Mechanical equipment such as air conditioning units, generators, pool equipment, and similar items for residential uses may extend into any required side yard no more than 50% of the required setback.
6. Elevators, liftavators, and other mechanical devices for elevating people and cargo may encroach into any required setback not more than 30 inches.
7. Carports open on three (3) sides may encroach on a side yard to a distance of not less than five (5) feet from a side lot line, except on the street side yard of a corner lot where the setback shall be one-half ($\frac{1}{2}$) of the distance of the required front yard setback up to a maximum of 20 feet. Storage areas may be constructed across the rear of a carport open on three (3) sides that encroaches on a side yard, provided such storage area shall not contain more than 72 square feet nor constitute more than eighteen percent (18%) of the area contained in the carport, whichever is less.
8. Canopies. Any non-residential land use that incorporates a canopy which is totally or partially supported by a structural pillar (upright support), such as but not limited to canopies over gasoline pumps, said canopy may extend to the street right-of-way line, or property line of a non-residentially used or zoned property if no street right-of-way line is involved, provided that each pillar is located at least 10 feet from a property line and the canopy is open on all four (4) sides. Any side of a canopy may be enclosed provided that side meets the required yard setbacks. The canopy roof shall be located horizontally and vertically at least 12 feet from any electrical conductor (line).
9. Signs. Setbacks for signs shall be as provided in Section 3.19.

C. HEIGHT EXCEPTIONS

Attached chimneys, belfries, cupolas, domes, elevator support structures, HVAC units, and similar appurtenances may exceed the maximum height requirement by not more than five (5) feet. All other structures shall comply with the height requirements of this ordinance.

3.10 GENERAL DEVELOPMENT STANDARDS

A. ONE PRINCIPAL STRUCTURE

Only one (1) principle structure per lot shall be allowed unless specifically authorized by this ordinance. More than one (1) principal structure devoted to a non-residential, multi-family, or manufactured home park use may be located on a lot, provided that access is available from a public street or a 20-foot easement is maintained from a public street to each building for use by service or emergency vehicles.

B. FENCES AND WALLS

1. No fence or wall shall be erected without the issuance of a zoning permit.
2. No fence or wall shall impede the visual locating of 911 emergency street addresses.
3. No fence or wall shall block pedestrian access from doors or windows and must have a clearance of at least two (2) feet from building walls, except where perpendicular to a building wall.
4. Fences or walls shall not alter or impede the natural flow of water in any stream, creek, drainage swale, or ditch.
5. The finished side of a fence shall face off-site.
6. The use of chain link fences shall be prohibited along any street right-of way property line. Barb-wire and electrified fences shall be prohibited within the CBD, BD, HC, and all residential zoning districts.
7. Fences and walls not exceeding a height of four (4) feet shall be exempt from the yard and building setback line requirements of this ordinance. Fences not exceeding a height of eight (8) feet to be erected only in side or rear yards shall be exempt from the yard and building setback line requirements of this ordinance, provided that no fence exceeding a height of four (4) feet will be constructed within 15 feet to any street right-of-way line. In all cases, the corner visibility provisions of this ordinance shall be observed.
8. Retaining Walls. The setback and yard requirements of this ordinance shall not apply to a retaining wall not more than five (5) feet high, as measured from the lowest ground elevation to the top of the wall except where such is considered to be a bulkhead directly adjacent to a body of water in which case setbacks shall not apply.
9. The following height limits for fences and walls shall apply:
 - a) Within front yards, or circumstances where the rear or side yard of a newly subdivided parcel of land fronts a pre-existing roadway, street, right-of-way, lot, or parcel frontage the maximum height is (4) feet;
 - b) Within any side or rear yards, the maximum height is eight (8) feet;
 - c) Height limits shall not apply to electric/gas substations, water/sewer treatment plants or facilities, municipal water storage facilities, government facilities, uses within the LI and HI district, or waste treatment facilities;
 - d) Height limits shall not apply to chain link fences surrounding tennis courts, ball field backstops, or similar recreational facilities;
 - e) Fence height shall be measured along the grade of the adjacent property.
10. Walls shall be constructed of one or a combination of the following materials: stucco over concrete block, exposed aggregate concrete, brick, stone, or architectural block in a structurally safe and attractive condition.
11. No wall shall be located within any required drainage, utility, or similar easement.

C. CORNER LOT VISIBILITY – SITE DISTANCE TRIANGLE

On a corner lot, within the area formed by a triangle 25 feet from the intersection of the edges of the roadway surfaces or curbs, there shall be no obstruction to vision between a height of 32 inches and a height of 10 feet above the average centerline of each street.

D. UNDERGROUND ELECTRICAL LINES

Electrical, phone, and/or cable utility lines must be installed underground from all utility poles to any building, including residences, accessory/utility buildings, and detached garages.

3.11 BUILDING DESIGN STANDARDS

A. PURPOSE

The purpose of this section is to ensure architectural compatibility and the establishment and preservation of architectural character throughout the city.

B. APPLICABILITY

The requirements of this section shall apply to the CBD and BD zoning districts in the following circumstances:

1. All new construction other than single-family or two-family dwellings.
2. Communication towers, religious institutions, government buildings, public structures, and uses within the LI and HI district shall be exempt from these requirements.

C. DESIGN STANDARDS

1. The primary entrance of the structure shall be architecturally and functionally designed on the front facade facing the primary street.
2. Except for corner lots, the front facade of the principal structure shall be parallel to the front lot line and street.
3. Façade colors shall be of low reflectance earth tone, muted, subtle, or neutral colors. Building trim may feature brighter colors as an accent material. The use of high-intensity, metallic, fluorescent, dayglow, or neon colors shall be prohibited.
4. Ground mounted mechanical equipment, solid waste storage, and recycling storage shall be located to the rear or side yard and screened from view of the street.
5. Outparcels shall be designed and integrated with the main project or principal structure.
6. No portion of a building facing a front or side lot line, unless a zero lot line common wall, shall be constructed of unadorned (unfaced) concrete masonry units or corrugated and/or sheet metal.
7. No single facade extending unbroken more than 35 feet in a horizontal plane may be visible from a public roadway. Compliance may be obtained through one of the following:
 - a) The use of projections or recesses. When used, each projection or recess shall have a projection (or depth) dimension of no less than 18 inches and a width of no less than 36 inches; or

- b) The use of columns or other architectural detail to provide visual interest. Where used, columns should be harmonious with the general design of the structure.
- 8. At least 25% of the first floor of the street facade(s) shall be transparent (including all sides facing a street right-of-way). Street level windows shall be visually permeable. Mirrored glass is not permitted in any location. False or display casements are not permitted in lieu of exterior window treatments for the frontage elevation. A window shall be measured as follows:
 - a) Minimum area: 16 square feet
 - b) Minimum width: 3 feet
 - c) Minimum height: 4 feet
- 9. A pitched roof shall have eaves a minimum of 12 inches from the building face including gutters. This shall not apply to zero lot line structures.
- 10. No structure shall exceed two (2) stories.

D. COMPLIANCE

Compliance with the requirements of this section shall be demonstrated through submittal of architectural drawings in conjunction with the appropriate approval type. Drawings shall include, but not be limited to, a floor plan, roof plan, and all exterior building elevations.

3.12 TRANSPORTATION AND STREET ACCESS

A. STREET ACCESS

No building shall be erected on a lot which does not abut a street or have access to a public street by means of an unobstructed permanent access easement of record or private street. For the purposes of this ordinance, an easement of record shall mean that the easement is recorded in the county register of deeds office and made a part of the deed for the property it is on.

B. DRIVEWAYS

- 1. General. After the date of passage of this section, only driveways designed, approved, constructed, and surfaced in accordance with the provisions herein shall be allowed to provide motor vehicle access to or from any property upon which a building has been constructed, reconstructed, or physically altered. All driveways shall be paved with either asphalt or concrete, or with alternative paving material (e.g., concrete pavers, brick, "turfstone" or similar pervious material) determined to exhibit equivalent wear resistance and load bearing characteristics as asphalt or concrete.
- 2. Before a zoning permit is issued for the construction, reconstruction, or change in use of any building or land. "Construction, reconstruction, or change in use" refers to those improvements made to the site involving overall structure size or to changes in use which would require the addition of one (1) or more off-street parking spaces; it is not intended to refer to construction activities which merely involve changes to exterior architectural features (e.g., painting, addition of siding, roofing activities, etc.).

3. No driveway shall conflict with any municipal facility such as traffic signal standards, catch basins, fire hydrants, crosswalks, loading zones, bus stops, utility poles, fire-alarm supports, meter boxes, and sewer clean-outs or other necessary structures, except with the express approval of the Director of Public Works. Any adjustments to municipal facilities to avoid such conflicts shall be at the expense of the driveway applicant.
4. Driveway Location(s):
 - a) Two (2) driveways entering the same street from a single lot shall be permitted only if the minimum distance between the closest edges of the driveways equals or exceeds 50 feet.
 - b) Three (3) driveways entering the same street from a single lot shall be permitted only if the minimum distance between the closest edges of the driveways equals or exceeds 150 feet.
 - c) Four (4) or more driveways entering the same street from a single lot shall be prohibited.
 - d) In no case may the total width of all driveways exceed 50% of the total property frontage.
 - e) No nonresidential driveway (nearest edge) shall be located within 10 feet of a side lot property line except in the case of a shared driveway (single curb/access point) utilized by two (2) or more lots. Residential driveways shall not be located within two (2) feet of side lot property lines.
 - f) No driveway (nearest edge) shall be located within 25 feet of an intersection on a secondary road and 40 feet on a primary road except in the case where no other lot access to a public street or city-approved private road is available.
5. Brick Driveways. Brick driveways will be allowed consisting of smooth, hard-burned clay bricks with an appropriate concrete base. In the event repairs are required after brick driveways are installed due to utility replacement or other construction work, the driveway applicant shall pay that portion of the repair cost which exceeds the cost of repair using standard concrete six (6) inches in thickness. Normal maintenance or replacement will be the responsibility of the driveway applicant.
6. Driveway Inspection. Once the driveway is constructed a Public Services representative shall inspect the driveway for compliance with the provisions herein. The inspector or other authorized representative of the city shall have the authority to require the immediate stoppage of work not performed either in accordance with the approved plans or under the requirements of this section and may order the nonconforming installations be corrected and/or blocked.
7. Compliance with the requirements of this section shall be demonstrated through submittal of scaled drawings prior to the issuance of a zoning permit. A change of use, redevelopment, or addition shall not require compliance with this section.

3.13 TRAFFIC IMPACT STUDY

A. PURPOSE

A traffic impact study shall be required for any land development, subdivision, or use which will collectively generate more than 500 trips per day as identified by the most recent version of the ITE Trip Generation Manual. This study shall also be required for projects submitted by the same applicant or owner within a six (6) month time period which are adjacent to or located within 500 linear feet of one another which will collectively generate more than 500 trips per day. The study will enable the City of Southport to assess the impact of a proposed permit or development on the highway system when that system is at or near capacity or a safety problem exists. Its purpose is to ensure that proposed developments do not adversely affect the highway network and to identify any traffic problems associated with access from the site to the existing transportation network. The purpose of the study is also to identify solutions to potential problems and to present improvements to be incorporated into the proposed development.

B. CONDUCT

A traffic impact study shall be prepared by a qualified professional transportation engineer and/or certified transportation planner with previous traffic study experience.

Prior to the preparation of a traffic impact study, a scoping meeting shall be held, including the planning staff, the applicant, and the preparer of the study. The discussion at this meeting should set the study parameters, including the study area, planned and committed roadway improvements (by NCDOT or others), road links and intersections to be analyzed, preliminary traffic distribution, other planned developments to be considered, traffic growth rate, available data, periods for which analysis is to be performed, and other staff concerns. The qualifications of the preparer may be discussed at or prior to this meeting.

C. EXEMPTION

Any land development, subdivision, or use which collectively generates more than 500 trips per day traffic may be exempted from the requirements to prepare and submit a traffic impact study if: (1) a traffic impact study has previously been prepared for this particular project or development, and (2) there is to be no change in land use or density that would increase travel, and (3) there is to be no change in access to the external street system, or (4) material is submitted by and sealed by a licensed professional transportation engineer to demonstrate that traffic created by the proposal when adding to existing traffic will not result in a need for transportation improvements. The Board of Aldermen will review material submitted in support of an exemption and will determine from that material whether or not to grant the exemption.

D. TRAFFIC IMPACT STUDY REQUIRED INFORMATION

1. General Site Description. The site description shall include the size, location, proposed land uses, number of units and gross square footage by land use, existing land use and zoning, construction staging, and completion date of the proposed land development to the extent known or able to be described at the time the application is prepared. If the development is residential, types of

dwelling units and number of bedrooms shall also be included. A brief description of other major existing and proposed land developments within the study area shall be provided. The general site description shall also include probable socio- economic characteristics of potential site users to the extent that they may affect the transportation needs of the site (i.e., number of senior citizens).

2. Transportation Facilities Description. The description shall contain a full documentation of the proposed internal and existing external transportation system. This description shall include proposed internal vehicular, bicycle, and pedestrian circulation; all proposed ingress and egress locations; all internal roadway widths and rights-of-way, turn lanes, parking conditions, traffic channelization's; and any traffic signals or other intersection control devices at all intersections within the site.
3. The report shall describe the entire external roadway system within the study area. Major intersections in the study area and all intersections or driveways adjacent to or within 800 feet of the site shall be identified and sketched. All existing and proposed public transportation services and facilities within one-mile of the site shall also be documented. Future highway improvements, including proposed construction and traffic signalization, shall be noted.
4. Existing Traffic Conditions. Existing traffic conditions shall be documented for all roadways and intersections in the study area. This shall include documentation of traffic accident counts as recorded by the NC Department of Transportation District Engineers Office, municipal or city law enforcement, and the NC Highway Patrol. Existing traffic volumes for average daily traffic, peak highway hour(s) traffic, and peak development generated hour(s) traffic, if appropriate, shall be recorded. Manual traffic counts at major intersections in the study area shall be conducted, encompassing the peak highway and development generated hour(s), if appropriate, and documentation shall be included in the report. A volume/capacity analysis based upon existing volumes shall be performed during the peak highway hour(s) and the peak development generated hour(s), if appropriate, for all roadways and major intersections expected to be impacted by development traffic. Levels of service shall be determined for each signalized intersection or roadway segment analyzed above.
5. This analysis will determine the adequacy of the existing roadway system to serve the current traffic demand. Roadways and/or intersections experiencing levels of service E or F shall be noted as congestion locations.
6. Transportation Impact of the Development. Estimation of vehicular trips to result from the proposed development shall be completed for the average weekday, the average daily peak hours of highway travel in the study area, and if appropriate, the peak hour of traffic generation by the development. These development-generated traffic movements, as estimated, and the reference source(s) and methodology followed shall be documented. These generated volumes shall be distributed to the study area and assigned to the existing

roadways and intersections throughout the study area. Documentation of all assumptions used in the distribution and assignment phase shall be provided. All average daily traffic link volumes within the study area shall be shown graphically. Peak hour turning movement volumes shall be shown for signalized and other major intersections, including all access points to the development. Pedestrian and bicycle volumes at school crossings and as otherwise applicable shall be reported. Any characteristics of the site that will cause trip generation to vary significantly from average rates available in published sources shall be documented, including such factors as diversion of passer-by traffic, internal capture, staggered work hours, or use of transit.

7. Analysis of Transportation Impact. The total traffic demand that will result from construction of the proposed development shall be calculated. This demand shall consist of the combination of the existing traffic, traffic generated by the proposed development, and traffic due to other developments and other growth in traffic that would be expected to use the roadway at the time the proposed development is completed. If staging of the proposed development is anticipated, calculations for each stage of completion shall be made. This analysis shall be performed for average weekday traffic, the peak highway hour(s) and, if appropriate, peak development-generated hour(s) for all roadways and major intersections in the study area. Volume/capacity calculations shall be completed for all major intersections. It is usually at these locations that capacity is most restricted.
8. All access points and pedestrian crossings shall be examined for adequate sight distance and for the necessity of installing traffic signals. The traffic signal evaluation shall compare the projected traffic and pedestrian volumes to the warrants for traffic signal installation.
9. Conclusions and Recommended Improvements. Levels of service for all roadways and signalized intersections serving ten percent (10%) or more of peak-hour project traffic shall be reported. All roadways and/or signalized intersections showing a level of service below D in urban or developed areas or below C in rural areas shall be considered deficient, and specific recommendations for the elimination of these problems shall be listed. This listing of recommended improvements shall include, but not be limited to, the following elements: internal circulation design, site access location and design, external roadway and intersection design and improvements, traffic signal installation, and operation including signal timing, and transit service

E. SUBMISSION AND IMPLEMENTATION

1. Time of Submission. The traffic impact study shall be submitted to the UDO Administrator with, and as a part of, the application for the applicable rezoning, development, or subdivision approval permit. In the case of a Planned Unit Development, the traffic impact study shall be submitted and approved prior to the accompanying major subdivision preliminary plat. The traffic impact study shall be approved concurrent with the initial approval of any Conditional

Rezoning proposal. The approval authority for the applicable land development, subdivision, or use shall also be responsible for approval of the accompanying traffic impact study.

2. Implementation. For site plans, prior to the issuance of a building permit, all required traffic impact recommendations shall be installed and inspected. For subdivisions, prior to approval of a final plat, all required traffic impact recommendations shall be installed and inspected.

3.14 PARKING

A. GENERAL

1. Each application for a zoning permit shall include information as to the location and dimensions of off-street parking and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the UDO Administrator to determine whether the requirements of this section are met.

B. PARKING LOT DESIGN

1. Surfacing. All parking lots with 10 or more spaces shall provide a dustproof surface with adequate drainage facilities and must comply with the Parking Facility Landscaping requirements contained within this article. Parking facilities containing 25 or more spaces shall be paved with concrete, asphalt material, or with alternative paving material determined to exhibit equivalent water resistance and load bearing characteristics as asphalt or concrete. When parking is proposed in excess of the minimum requirements, alternative pervious surface materials are encouraged.
2. Lighting. Any lighting shall be so arranged as to direct the light and glare away from streets and adjacent property.
3. Setbacks. All parking lots shall observe a minimum front setback of not less than five (5) feet and a side yard on a corner lot of not less than five (5) feet.
4. Curb or Bumpers. The required parking setbacks shall be set off from parking areas by either continuous curb or one (1) noncontinuous stationary bumper for each parking space abutting on a yard, which curb or bumper shall not be less than five (5) inches or more than two (2) feet high.
5. Separation of Bumper and Walkways. In the event any parking stall abuts upon a walkway or sidewalk, there shall be a space of three and a half feet between the wheel bumper or curb and the edge of the walkway.
6. Off-street parking areas shall be designed to facilitate adequate movement and access by sanitation, emergency, and other public service vehicles.
7. Off-street parking areas shall be designed so that parked vehicles do not encroach upon, extend onto, or cause vehicles to back into public rights-of-way, sidewalks, or strike against or damage any wall, vegetation, utility, or other structure.
8. The size of any single surface parking lot area shall be limited to three (3) acres, unless divided by a street, building, or continuous landscaped area. Larger parking lots shall be separated by buildings or landscaped areas.

9. Paved parking areas shall have lines demarcating each parking space.
10. Off-street parking areas shall be properly maintained in all respects. In particular, and without limiting the foregoing, off-street parking area surfaces shall be kept in good condition (free from potholes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.
11. Each off-street automobile parking area shall comply with the following minimum dimensions, compact spaces (eight (8) feet width by 16 feet long) may be utilized to meet 10% of the required parking:

Table 3.3: Parking Lot Dimensional Requirements			
Angle (degrees)	Stall Width (feet)	Stall Depth (feet)	Aisle Width between parking spaces (feet)
0	9	9	12
20	9	14	12
30	9	16-1/2	12
45	9	19-1/6	12
60	9	20-1/2	14-1/2
70	9	20-5/6	23
90	9	18	24

C. MINIMUM OFF-STREET PARKING REQUIREMENTS

1. The number of exclusive off-street residential parking spaces required by this section shall be provided on the same lot with the principal use, unless otherwise permitted by this ordinance, and the required number of off-street parking spaces specified for each use shall be considered as the absolute minimum.
2. In the case of mixed uses (an establishment comprised of more than one (1) use; e.g. restaurant and hotel), which may include a principal and accessory use, the total requirements for off-street parking shall be the sum of the requirements of the various uses computed separately and the off-street parking space for one (1) use shall not be considered as providing the required off-street parking for any other use, except as provided for in the shared parking criteria in this article.
3. Handicapped parking spaces shall be in accordance with the regulations set forth by the Americans with Disabilities Act and shall be identified by appropriate signage. The minimum number of spaces shall be provided in accordance with the state building code.
4. Fractional space requirements shall be rounded up to the next whole space.

D. MINIMUM OFF-STREET PARKING RATIOS

1. The following table establishes the formulas to be used to calculate the number of parking spaces required for a particular use. For uses that do not correspond to the use types listed in Table 3.4, Minimum Off-Street Parking Spaces Required, the UDO Administrator shall determine the minimum parking space requirement. In such instances, the applicant shall provide adequate information for review, which includes, but is not limited to the type of use(s), number of employees, the occupancy of the building, square feet of sales, service and office area, parking spaces proposed, and hours of operation.

2. Within the CBD zoning district, no off-street parking shall be required for any nonresidential use, whether new construction or change of use/redevelopment. Within the CBD zoning district, all residential uses require full compliance with the off-street parking requirements contained herein.
3. In the BD zoning district, for nonresidential uses, where on-street or public parking facilities are located within 500 linear feet of a proposed use, measured as a straight-line distance from the entrance of the building, the minimum off-street parking requirement may be reduced by 50%. This reduction shall not apply to residential uses.
4. Within any zoning district, if the off-street parking space required by this ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within 400 feet of the main entrance to such principal use.

Table 3.4: Minimum Off-Street Parking Spaces Required	
Change of Use or Redevelopment in the CBD and BD District	
Uses	Required Parking
A change of use or redevelopment whereby the floor area of the building or parcel is not expanded by greater than 15%.	No parking required.
Change of use or redevelopment whereby the floor area of the building or parcel is expanded by greater than 15%.	Additional parking required shall be calculated based on the increase in square footage in floor area, above the 15% threshold, of the expanded building. All other applicable requirements of this section shall apply.
Change of use from a residential to nonresidential use.	50% of the required parking shall be provided. All other applicable requirements of this section shall apply.
Change of use from a nonresidential to residential use or the addition of residential uses.	Full compliance with residential off-street parking space minimum and all other requirements.
Residential Uses	
DWELLING, SINGLE-FAMILY, MANUFACTURED HOME ON SINGLE LOT, MODULAR HOMES	Two (2) spaces per dwelling unit. Nonconforming lots within the R-10 district are exempt from this requirement.
DWELLING, TWO-FAMILY (DUPLEX), MULTI-FAMILY, TRIPLEX OR QUADRPLEX	Two (2) spaces on the same lot for each dwelling unit. In addition to this requirement, overflow parking shall be provided as follows: 1- 10 units = 2 spaces, 10- 20 units = 4 spaces, 21- 30 units = 5 spaces, 31- 40 units = 6 spaces, 41- 50 units = 7 spaces, 51-100 units = 10 spaces.
FAMILY CARE HOME	One (1) space for each attendant in addition to the required two (2) spaces per dwelling unit.
MANUFACTURED HOME PARK	Parking space sufficient to accommodate at least two (2) automobiles shall be located on each manufactured home space.
MIXED USES	One (1) space per dwelling unit in addition to that required by the other uses contained within the development.

Table 3.4: Minimum Off-Street Parking Spaces Required

Nonresidential Uses	
ADULT ESTABLISHMENT; ELECTRONIC GAMING OPERATIONS; TATTOO AND PIERCING ESTABLISHMENT	One (1) space per 100 square feet of floor area.
ALCOHOLIC BEVERAGES, PACKAGED, RETAIL SALES; LIQUOR STORES	One (1) space per 200 square feet of floor area.
ASSOCIATIONS OR ORGANIZATIONS: CIVIC, SOCIAL & FRATERNAL; CLUBS AND LODGES CATERING EXCLUSIVELY TO MEMBERS AND THEIR GUESTS; CULTURAL ARTS CENTER, INCL. THEATERS, OFFICES, CLASSROOMS, ETC.; AND MUSEUMS, ART GALLERIES	One (1) space per 300 square feet of floor area.
AUTOMOTIVE, MAJOR AND MINOR; SERVICE STATIONS	One (1) space per each 400 square feet of floor area; One (1) space for each service bay; four (4) stacking spaces for each washing stall, plus two (2) drying spaces for each washing stall; and/or 1.5 spaces for each fuel nozzle.
BED & BREAKFAST	One (1) space for every rental room plus one (1) space for every two (2) permanent occupants.
BOTTLE SHOP AND WINE BAR; NIGHTCLUB	One (1) space per 200 square feet of floor area.
BUILDING MATERIAL DEALERS; HARDWARE, LAWN, OR GARDEN STORE; FEED, SEED, AND FERTILIZER SALES, RETAIL; FARM MACHINERY SALE AND SERVICE; FUEL & ICE DEALERS; MANUFACTURED HOME DEALERS	One (1) space per 500 square feet of floor area.
BUSINESS, COMMERCIAL, OR OTHER NON-RESIDENTIAL USE NOT ELSEWHERE CLASSIFIED	One (1) space per 200 square feet of floor area.
BUS TERMINALS AND RAILROAD STATIONS; TAXICAB STANDS	One (1) space per 500 square feet of floor area.
CHURCHES, SYNAGOGUES & RELIGIOUS INSTITUTIONS	One (1) space per every 6 seats, or (1) space per every 100 square feet of seating area in main assembly room, whichever is greater. Note: Churches located within the Southport National Register Historic District are exempt from providing off-street parking.
COMMERCIAL PARKING LOTS	One (1) space per employee; otherwise, none required.
COMMERCIAL RECREATION, INDOOR; SHOOTING RANGE, INDOOR; DANCE STUDIOS	One (1) space per every 200 square feet of floor area, excluding bowling alley lanes, range stalls, and similar areas not utilized by the public.
COMMERCIAL RECREATION, OUTDOOR; RECREATION FACILITY PRIVATE, INCL. CLUBS & RECREATION FACILITIES ASSOC. WITH MULTIPLE FAMILY COMPLEXES, GOLF COURSES, TENNIS FACILITIES, COUNTRY CLUBS, ETC; GOLF COURSE, PRIVATE OR PUBLIC, W/RELATED SERVICES INCL. PRO SHOP; SHOOTING RANGE, OUTDOOR	One (1) space per every 400 square feet of recreation-related area and/or 25 spaces per nine holes, plus one (1) space per employee on shift of greatest employment.
CONTRACTORS, EQUIPMENT & SUPPLY DEALERS & SERVICE; CONTRACTORS, HEAVY CONSTRUCTION; GRADING, PAVING, MARINE, ETC.	One (1) space per 1,000 square feet of floor area.

Table 3.4: Minimum Off-Street Parking Spaces Required

Table 3.4: Minimum Off-Street Parking Spaces Required	
DAYCARE, ADULT AND CHILD	One (1) space for each employee and one (1) space for every 10 children/adults or fraction thereof.
DIVERS, COMMERCIAL; FISHING, COMMERCIAL; FURRIERS AND FUR STORAGE; EXTERMINATING SERVICES	One (1) space per 400 square feet of floor area.
DRY CLEANERS; LAUNDRY, COIN-OPERATED	One (1) space for each 200 square feet of floor area used by the general public.
DRY STORAGE	One (1) space per employee, if applicable.
EDUCATIONAL FACILITY	Two (2) spaces per classroom. For high schools or college/post-secondary, one (1) space per 10 students.
FARMERS'S MARKET; FRUIT & VEGETABLE MARKET, WHOLESALE WITH INCIDENTAL RETAIL	One (1) space per 500 square feet of permanent retail area; otherwise none required if a seasonal/temporary market.
FLEA MARKET	One (1) space per 1,000 square feet of floor area.
FUNERAL HOMES	One (1) parking space for each five (5) seats in the chapel or parlor, plus one (1) for each funeral vehicle.
GOVERNMENT USE, CITY OF SOUTHPORT; GOVERNMENT USES WITH BUILDINGS, NON-CITY OF SOUTHPORT	One (1) space per 300 square feet of floor area.
HEALTH SERVICES	One (1) space per 300 square feet of floor area.
HOSPITALS	Two (2) spaces for each bed.
HOTEL, MOTEL, OR INN; HOTEL, RESIDENTIAL OR BOUTIQUE; GUEST LODGING	One (1) space for every rental room.
JAIL	One (1) space per employee on the largest shift.
KENNEL	One (1) space per 400 square feet of floor area.
LIBRARY	One (1) space per 500 square feet of floor area.
MANUFACTURING, ARTISAN	One (1) space per 500 square feet of floor area.
MANUFACTURING, GENERAL, LIMITED, AND INTENSIVE; GAS COMPANIES (LP-BOTTLED & BULK STORAGE); MOTOR FREIGHT COMPANIES, MOVERS, VAN LINES, AND STORAGE; MOTION PICTURE PRODUCTION & DISTRIBUTION; RESEARCH & DEVELOPMENT; SALVAGE OPERATIONS; WELDING, REPAIR; LAUNDRY, INDUSTRIAL; GARBAGE COLLECTION, PRIVATE (NO LANDFILLS)	One (1) space per employee on the largest shift.
MARINA, COMMERCIAL	One (1) parking space for each wet slip, one (1) parking space for every four (4) dry stack boat storage units, and where applicable 25 total 12' x 40' spaces per boat ramp, plus parking required for other uses.
MARITIME SALES, RENTAL, AND SERVICE	One (1) space per each 400 square feet of floor area and/or one (1) space for each service bay
MICROBREWERY OR MICRODISTILLERY	One (1) space per 100 square feet of floor area tasting room area; One (1) per 500 square feet for production and storage areas.

Table 3.4: Minimum Off-Street Parking Spaces Required

NURSING & PERSONAL CARE FACILITY	One (1) space per three (3) residents, plus one (1) additional space for each employee.
OFFICE, GENERAL; RADIO & TELEVISION STATIONS, STUDIOS, AND OFFICES; MANUFACTURED HOME (INDIVIDUAL) FOR OFFICE AND/OR EXHIBITION	One (1) space per 300 square feet of floor area.
PARKS & RECREATION AREAS, MUNICIPAL	No parking required.
PERSONAL SERVICE ESTABLISHMENT	One (1) space per 300 square feet of floor area.
RECREATIONAL VEHICLE PARK	Two (2) parking spaces at each campsite + 1 per 500 sq. ft. of enclosed area for offices, maintenance facilities, etc. within the park.
RESTAURANT, CARRY-OUT	One (1) space per 200 square feet of floor area.
RESTAURANT, STANDARD & FAST-FOOD	One (1) space per 100 square feet of floor area.
RETAIL SALES, MAJOR; GROCERY STORES; SHOPPING CENTER	One (1) space per 300 square feet of floor area.
RETAIL SALES, MINOR AND MODERATE	One (1) space per 200 square feet of floor area.
SOLAR FARM	One (1) space per facility.
STORAGE, SELF-SERVICE	Minimum five (5) spaces or one (1) space for each 100 storage units, whichever is greater, plus one (1) space for each employee and two (2) spaces for manager's quarters, if present.
TELEPHONE COMMUNICATION FACILITY, UNATTENDED; WIRELESS TELECOMMUNICATION FACILITY OR COMPLEX, FREESTANDING AND SUBSTANTIAL MODIFICATIONS	One (1) space per facility.
US POSTAL SERVICE; PACKAGE DELIVERY SERVICES, COMMERCIAL	One (1) space per 400 square feet of floor area.
UTILITY STATIONS & PLANTS (PUBLIC & PRIVATE) INCL. LIFT STATIONS, SUBSTATIONS, ETC.	One (1) space per employee employed on-site, if applicable; Otherwise, none required.
VETERINARY SERVICES	One (1) space per 500 square feet of floor area
WAREHOUSING, GENERAL; WHOLESALE TRADE, DURABLE AND NON-DURABLE GOODS;	One (1) space per 1,000 square feet of gross floor area
WATER TRANSPORTATION INCL. DOCKS, TUGBOATS, BARGES, AND EXCURSIONS	No parking required.

E. SHARED PARKING

The required parking space for any number of separate uses may be combined in one lot but the required space assigned to one use may not be assigned to another use, except that one half (½) of the parking spaces required for churches, theater, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays.

F. UTILIZATION OF BOAT SLIPS AS REQUIRED PARKING

1. A boat slip is defined herein as a space designed for the mooring of a single watercraft and usually projecting from a dock. Eating and drinking establishments and water-oriented retail businesses may utilize boat slips to meet off- street parking requirements subject in accordance with the following standards:
 - a) All slips must be under the ownership or long-term control of the subject business.
 - b) Boat slips must be available on a first come, first served basis, with no fee assessed for use.
 - c) Boat slips must be reasonably designed to accommodate customer boats.
 - d) The dock facility must be properly accessible in accordance with the regulations governing the maneuvering of water craft on the adjacent waterway.
 - e) Boat slips must only be used for transient mooring of customers frequenting said establishment and no extended storage of vessels shall be allowed.
 - f) Boat slips are allowed to meet off-street parking requirements strictly on a one parking space per 20' linear dockage.

3.15 PEDESTRIAN FACILITIES

- A. These regulations are intended to promote walking and other forms of nonmotorized transportation, allow the citizens to reap significant social, environmental, and health benefits that are often not available in auto-oriented places. This will be achieved by ensuring safe, convenient, and accessible sidewalks to provide opportunities for exercise, help people meet and socialize, and give children and others who do not drive mobility options.
- B. Sidewalks shall be required on at least one (1) side of the street, in all new major subdivisions, multi-family developments, and new construction nonresidential development of a principal use within the BD, CBD, HC, OI, and MF districts. Redevelopment or change of use of existing nonresidential or multi-family structures does not require the installation of sidewalks.
- C. Sidewalks shall be installed within the right-of-way and connect to adjacent facilities where applicable. Where right-of-way widths adjacent to the edge of pavement are in excess of 10 feet, sidewalks shall be separated by a minimum three (3) foot landscaped strip adjacent to the edge of pavement.
- D. In all cases, sidewalks shall extend to the property line.
- E. Sidewalks shall be at least five (5) feet wide and constructed of concrete at least five (5) inches thick. Sidewalks shall consist of a minimum of six (6) inches of concrete at driveway crossings or shall be adequately reinforced otherwise. All sidewalks must meet ADA requirements, including where necessary to serve required cluster mailbox locations within subdivisions or multi-family development.

- F. Sidewalks built adjacent to an NCDOT road facility shall be built to meet NCDOT sidewalk standards.
- G. Pedestrian walkways shall form an on-site circulation system that minimize conflict between pedestrians and traffic at all points of pedestrian access to on-site parking and building entrances. Pedestrian walkways shall connect building entrances to one another and from building entrances to public sidewalk connections. Pedestrian walkways shall be provided to any pedestrian access point or any parking space that is more than 50 feet from the building entrance or principal on-site destination. All developments containing more than one (1) building shall provide walkways between the principal entrances of the buildings.

3.16 LIGHTING

A. APPLICABILITY

- 1. The requirements of this section shall apply to all new construction nonresidential development, multi-family development, and major subdivisions. Changes of use do not trigger applicability with this section.
- 2. The following activities are exempt from the requirements of this section:
 - a) Outdoor lights used for a temporary event;
 - b) Outdoor lights used exclusively for recreational activities, concerts, plays or other outdoor events that are open to the public, provided that the event or function meets all other applicable ordinance requirements. Such lighting shall be located at least 50 feet from any adjoining residential district or use;
 - c) Outdoor lighting exempt from the section shall only be illuminated while the activity takes place and during high traffic periods immediately before and after the event; or
 - d) One and two-family residential uses.

B. FIXTURE HEIGHT

- 1. Lighting fixtures shall be a maximum of 40 feet in height within a parking lot or street right-of-way and shall be a maximum of 15 feet in height within non-vehicular pedestrian areas. Where placed adjacent to sidewalks, light fixtures shall not exceed 15 feet in height. All light fixtures located within 50 feet of any residential use or residential property boundary shall not exceed 15 feet in height.
- 2. The UDO Administrator shall allow fixtures above this height to provide internal lighting for ball fields, recreational facilities, arenas, and similar facilities.

C. LIGHT SOURCE (LAMP)

- 1. Incandescent, fluorescent, metal halide, light emitting diodes (LED), fiber optics, or color corrected high-pressure sodium are permitted. The UDO Administrator shall have the authority to deny use of particular lamps based on the color spectrum emitted or the lamp brightness. Non color corrected high pressure sodium lamps are prohibited.

2. The same light source type must be used for the same or similar types of lighting on any one site throughout any development.
3. The light source color temperature for outdoor lighting shall not exceed 3,000 degrees Kelvin.

D. FIXTURE

1. Fixtures shall be mounted in such a manner that the cone of light is contained on-site and does not cross any property line of the site.
2. The light source shall be completely concealed behind an opaque surface and recessed within an opaque housing and shall not be visible from any street right-of-way or adjoining properties. Overhead lighting fixtures shall be designed to prevent light from emitting upwards towards the sky.
3. Under canopy lighting fixtures should be completely recessed within the canopy and shall not create glare off-site.
4. Spotlights are prohibited throughout the City.

3.17 LANDSCAPING AND BUFFERS

A. PURPOSE

1. The governing body and advisory boards of the City of Southport recognize the importance of the contribution made to the community by the abundance of native trees and vegetation. It is this vegetation that gives the city an aesthetic appeal that contributes to its growth and economic prosperity. As economic growth occurs, the removal of this valued vegetation sometimes results, contributing to a depletion of a most valuable resource. The city feels it is necessary to both conserve and restore those valuable assets and declares the objective of this section to be as follows:
 - a) To provide visual and spatial buffering between adjoining and competing uses;
 - b) To enhance the beautification of the city;
 - c) To enhance property values and protect public and private investment;
 - d) To provide a habitat for living things that might not otherwise occur in an urban environment; and
 - e) To ensure that planting areas are distributed within developing sites in a manner which will provide shade, buffer noise, and filter glare.

B. APPLICABILITY

1. Landscape installation is required for all new construction non-residential and multi-family uses or a change in use or redevelopment where such change would result in the addition of 10 or more parking spaces. The following site areas are required to be addressed in accordance with the provisions of this section:
 - a) Street yards
 - b) Foundation planting
 - c) Parking facility landscaping
 - d) Bufferyards

C. GENERAL PROVISIONS

1. All planted and retained living material, required to meet the provisions of this section, shall be maintained by the owner of the property on which the material is located. Any planted material which becomes damaged or diseased or dies shall be replaced by the owner within 60 days of the occurrence of such condition. If, in the opinion of the UDO Administrator, there are seasonal conditions which will not permit the timely replacement of the vegetation (e.g., too hot or too cool for successful replanting), this requirement may be administratively waived until a time certain.
2. All planted material subject to the provisions of this ordinance shall be of a native species and in accordance with the planting material list as provided in Tables 3.5 through 3.7.
3. Nonliving screening buffers shall be maintained, cleaned, or repaired by the owner of the property on which the buffer is located. Such buffers shall be kept free of litter and advertising.
4. Up to 15% of the area to be landscaped may be covered with surfaces specifically intended to afford intensive use and enjoyment by employees or the public (such as sidewalks, walking paths, bench and table pads, etc.).
5. It is encouraged that stormwater management systems be integrated into landscaping areas.
6. Prior to the issuance of a certificate of occupancy, the property owner shall submit a final planting plan to the UDO Administrator demonstrating compliance with this ordinance.

D. LANDSCAPING ON PUBLIC PROPERTY

It shall be unlawful for any person to place or cause to be placed on any public street, road, alley, sidewalk, or other public right-of-way within the city any wall, fence, gate, brick, stone, wood, rock, vegetation, or other structure, material, or substance above the horizontal plane of the existing ground.

E. PLANTING MATERIAL SIZE AND SPECIES

1. Where the provisions of this section apply, the plant lists in Tables 3.5 through 3.7 shall be utilized for the selection of required landscape material.
2. The minimum height and diameter at breast height (DBH = 4.5 feet above ground) at planting for the following planting categories/list shall be as follows:
 - a) Canopy Trees. At the time of planting, the tree shall have a minimum three (3) inch DBH with a height of eight (8) to 10 feet. Canopy trees shall be of a species having an average minimum height of 30 feet and a minimum mature crown spread of 20 feet.
 - b) Understory Trees. At the time of planting, the tree shall have a minimum two (2) inch DBH. Understory trees shall be of a species having an average minimum height of 10 feet and a minimum mature crown spread of 12 feet.

c) Shrubs. Shrubs shall have a minimum mature height of 24 inches and a minimum planting height of 18 inches.

Table 3.5: Canopy Tree Species

Botanical Name	Common Name	Recommended Varieties	Height/Spread (feet)
<i>Acer rubrum</i>	Red Maple	October Glory, Red Sunset, Brandywine, Sun Valley	40-50/25-35
<i>Betula nigra</i>	River Birch	Heritage, Duraheat	40-70/40-60
<i>Celtis laevigata</i>	Sugarberry		60-80/50-70
<i>Diospyros virginiana</i>	Persimmon		30-60/15-25
<i>Fraxinus pennsylvanica</i>	Green Ash	Patmore	50-60/25-30
<i>Liquidambar styraciflua</i>	Sweetgum		60-80/40-60
<i>Magnolia grandiflora</i>	Southern Magnolia	Little Gem, Brackens Brown Beauty, Alta, Kay Paris, Edith Bogue, Claudia Wannamaker, D.D. Blanchard	25-60/15-30
<i>Morus rubrum</i>	Red Mulberry		35-50/15-30
<i>Nyssa sylvatica</i>	Black Gum		30-50/20-30
<i>Pinus palustris</i>	Longleaf Pine		60-100/20-30
<i>Pinus taeda</i>	Loblolly Pine		60-100/30-60
<i>Prunus serotina</i>	Black Cherry		40-60/30-60
<i>Quercus hemisphaerica</i>	Laurel Oak	Darlington	40-60/30-40
<i>Quercus virginiana</i>	Live Oak		60-80/60-80
<i>Quercus lyrata</i>	Overcup Oak		40-60/30-50
<i>Quercus nigra</i>	Water Oak		50-80/30-60
<i>Quercus nutallii</i>	Nuttall Oak		40-60/30-50
<i>Quercus phellos</i>	Willow Oak		80-100/40-50
<i>Taxodium ascendens</i>	Pondcypress		60-80/15-20
<i>Taxodium distichum</i>	Baldcypress		50-70/20-30

Table 3.6: Understory Tree Species

Botanical Name	Common Name	Recommended Varieties	Height/Spread (feet)
<i>Acer barbatum</i>	Southern Sugar Maple		20-25/15/20
<i>Acer buergerianum</i>	Trident Maple		20-25/10-15
<i>Aesculus pavia</i>	Red Buckeye		10-20/10-15
<i>Amelanchier arborea</i>	Serviceberry	Autumn Brilliance	20-25/10-15
<i>Asimina triloba</i>	Pawpaw		15-20/10-15
<i>Carpinus caroliniana</i>	Ironwood		20-30/15-25
<i>Cercis canadensis</i>	Redbud	Forest Pansy, Oklahoma, Texas White	20-30/20-25
<i>Chamaecyparis thyoides</i>	Atlantic White Cedar		40-60/10-20

Table 3.6: Understory Tree Species

Botanical Name	Common Name	Recommended Varieties	Height/Spread (feet)
<i>Chionanthus virginicus</i>	Fringe Tree		10-20/15-20
<i>Cornus florida</i>	Flowering Dogwood	Cloud 9, Cherokee Chief, Cherokee Princess	15-25/10-20
<i>Crataegus phaenopyrum</i>	Washington Hawthorne		25-30/20-25
<i>Ilex decidua</i>	Possumhaw	Warren's Red, Council Fire	15-20/10-15
<i>Ilex opaca</i>	American Holly		20-30/15-20
<i>Ilex vomitoria</i>	Yaupon Holly	Hoskin's Shadow, Kathy Ann, Katherine	15-20/10-15
<i>Ilex x attenuata</i>	Topel Holly	Savannah, Foster's #2, East Palatka	20-30/10-15
<i>Ilex x</i>	Nellie Stevens Holly	Nellie R. Stevens	15-25/10-15
<i>Ilex hybrids</i>	Red Holly	Oakleaf, Cardinal, Robin, Liberty, Patriot	10-15/8-15
<i>Juniperus virginiana</i>	Eastern Red Cedar		30-50/10-20
<i>Magnolia virginiana</i>	Sweet Bay Magnolia		20-30/10-20
<i>Myrica cerifera</i>	Wax Myrtle		4-20/20-40
<i>Oxydendrum arboreum</i>	Sourwood		20-50/10-25
<i>Persea borbonia</i>	Redbay		30-60/10-25
<i>Prunus angustifolia</i>	Chickasaw Plum		4-20/20-40
<i>Prunus caroliniana</i>	Carolina Cherry Laurel		20-30/15-20
<i>Sabal palmetto</i>	Palmetto Palm		10-30/10-15
<i>Sassafras albidum</i>	Sassafras		30-60/25-40
<i>Zanthoxylum clava-herculis</i>	Prickley Ash		15-30/10-25

Table 3.7: Shrub Species

Botanical Name	Common Name	Recommended Varieties	Height/Spread (feet)
<i>Aralia spinosa</i>	Devil's Walking Stick		10-20/6-10
<i>Aronia arbutifolia</i>	Chokeberry		6-10/3-6
<i>Bignonia capreolata</i>	Cross Vine	Tangerine Beauty	30' spread
<i>Callicarpa americana</i>	American Beautyberry		5-10/5-10
<i>Calycanthus floridus</i>	Carolina Allspice		5-10/5-10
<i>Cephalanthus occidentalis</i>	Buttonbush		6-12/5-10
<i>Clematis armandii</i>	Evergreen Clematis	vine	20' spread
<i>Clematis virginiana</i>	Autumn Clematis Vine		12-36' spread
<i>Clethra alnifolia</i>	Summersweet	Hummingbird, Sixteen Candles, White Doves	2-3/4-6
<i>Cyrilla racemiflora</i>	Swamp Titi		12-36/6-25
<i>Decumaria barbara</i>	Climbing Hydrangea	deciduous vine	20' spread
<i>Euonymus americanus</i>	Strawberry Bush/Hearts-a-bustin'		4-6/4-6

Table 3.7: Shrub Species

Botanical Name	Common Name	Recommended Varieties	Height/Spread (feet)
<i>Fothergilla gardenia</i>	Dwarf Fothergilla		2-4/2-4
<i>Gelsemium rankenii</i>	Swamp Jessamine vine		20' spread
<i>Gelsemium Sempervirens</i>	Carolina Jessamine vine		20' spread
<i>Hydrangea Arborescens</i>	Smooth Hydrangea	Annabelle	3-5/3-5
<i>Hydrangea quercifolia</i>	Oakleaf Hydrangea	Alice, Snow Queen	5-10/5-15
<i>Ilex glabra</i>	Inkberry Holly	Shamrock	6-8/8-10
<i>Ilex verticillata</i>	Winterberry	Winter Red, Red Sprite	5-15/5-15
<i>Ilex vomitoria</i>	Yaupon Holly	Hoskin's Shadow, Kathy Ann, Katherine	15-20/10-15
<i>Ilex vomitoria 'nana'</i>	Dwarf Yaupon	Bordeaux, Schillings	3-4/4-5
<i>Ilex hybrids</i>	Holly	Emily Brunner, San Jose, Mary Nell	15-25/10-15
<i>Itea virginica</i>	Virginia Sweetspire	Little Henry, Merlot	3-4/3-5
<i>Jasminum nudiflorum</i>	Winter jasmine		3-4/3-4
<i>Lonicera sempervirens</i>	Coral Honeysuckle	native vine	20' spread
<i>Lonicera x heckrottii</i>	Goldflame vine Honeysuckle		20' spread
<i>Myrica cerifera</i>	Southern Wax Myrtle		6-20/6-20
<i>Osmanthus americanus</i>	Devilwood		15-25/10-20
<i>Rhapidophyllum hystrix</i>	Needle Palm		5-8/5-8
<i>Rhododendron atlanticum</i>	Coastal Azalea		2-4/2-4
<i>Rhus copallina</i>	Winged Sumac		6-12/12-36
<i>Sabal minor</i>	Dwarf Palmetto		4-5/4-5
<i>Vaccinium stamineum</i>	Farkleberry/Sparkleberry		12-15/6-12
<i>Viburnum nudum</i>	Possomhaw Viburnum		5-10/5-10
<i>Viburnum obovatum</i>	Walter's Viburnum		4-10/3-8
<i>Viburnum plicatum var. tomentosum</i>	Doublefile Viburnum	Shasta, Mariesii	8-10/8-10
<i>Viburnum prunifolium</i>	Blackhaw Viburnum		10-20/10/15
<i>Viburnum x burkwoodii</i>	Burkwood Viburnum		8-10/5-7
<i>Viburnum rufidulum</i>	Southern Blackhaw		10-20/10-20
<i>Yucca aloifolia</i>	Spanish Dagger Yucca		6-12/6-10
<i>Yucca filamentosa</i>	Adam's Needle Yucca	Color Guard, Garland Gold, Bright Edge	2-4/2-4

F. STREET YARDS

1. A street yard shall be provided for applicable development located adjacent to a public street right-of-way, with a minimum depth of 50% of the required front or corner side setback as measured perpendicular to the street right-of-way, provided that no street yard in excess of 10 feet in depth shall be required. Street yards shall not be required in the BD or CBD districts.
2. Planting requirements. One (1) canopy tree per every 50 linear feet; one (1) understory tree per every 20 linear feet of road frontage; 20 shrubs per 100

linear feet of road frontage. Where overhead utility lines are present, the location, height, and selection of tree material shall be established in consultation with the Public Services Director.

3. Property used for a business primarily engaged in the sale and display of motor vehicles, manufactured housing, boats, recreational vehicles, or similar equipment may have the required landscaping within the streetyard installed at a minimum height of 18 inches at planting and not exceeding three (3) feet at maturity.

G. PARKING FACILITY LANDSCAPING

1. All parking facility areas containing more than 10 spaces shall be landscaped in accordance with the following minimum standards:
 - a) Minimum standards: At least eight (8) percent of the gross paved area of a parking facility shall be landscaped and located in the interior. For purposes of this section, interior shall mean the area within the parking facility curb or pavement and extensions that create a common geometric shape such as a square, rectangle or triangle.
 - b) Trees and shrubbery planted pursuant to this section shall include at least one (1) canopy tree and six (6) shrubs. At least fifty 50 percent of the trees planted shall be of a canopy tree species as outlined in Table 3.5.
 - c) In support of the above, the following standards shall apply to interior plantings:
 - i) All plantings shall be evenly distributed throughout the parking facility.
 - ii) All interior plantings shall be curbed or otherwise physically protected.
 - iii) Consecutive parking spaces shall incorporate landscape peninsulas no more than 10 spaces apart and at least the ends of all parking rows. Peninsulas shall contain at least 100 square feet in area and at least eight (8) feet in width, measured from back of curb/barrier to back of curb/barrier.
2. The provisions of this section shall not apply to property used for a business primarily engaged in the sale and display of motor vehicles, manufactured housing, boats, recreational vehicles, or similar equipment or for any facility which is limited to periodic or intermittent use for vehicular parking, such as parking lots for churches or recreational facilities, provided the facility is completely covered by grass or otherwise presents a landscaped effect .

H. FOUNDATION PLANTINGS

1. For all portions of buildings, which are adjacent to parking facilities or internal drive aisles, foundation plantings shall be required and located between the buildings face and the parking or drive isle curb. Where sidewalks will be

provided, the planting shall be located on the building side of the sidewalk. The following minimum standard shall apply:

- a) The area of the building face adjacent to the parking area or internal drive isle shall be calculated and multiplied by a minimum of 12%. The resultant total square footage shall be planted as landscaped areas of shrubs, grass, and groundcover. Understory trees are encouraged where ample space is available.
2. Exceptions from these requirements may be granted when the following circumstances exist or when any of the following conditions are proposed on the site:
 - a) For those portions of buildings which have drive up services along any side or rear of the building. Such examples would include but not be limited to pharmacies, banks, fast food restaurants, and dry cleaners.
 - b) On the rear side of a building when less than 10% of the total required parking is located in the rear of the building and the rear is not adjacent to any public right-of-way.

I. BUFFERYARDS

1. Where there are competing or conflicting land uses and/or differences in the intensity of the land uses, bufferyards shall be required as provided herein.
2. Perpendicular encroachments by driveways, pedestrian-ways, and utilities are permitted, but should be minimized to the extent feasible.
3. Bufferyards shall not overlap into required street yards.
4. Stormwater BMPs and impoundments may be placed within a required buffer only when the applicant demonstrates that no reasonably practicable alternative exists, and provided that the performance standard of the buffer can be maintained. Bioretention areas may be placed within buffers without additional justification provided the performance standard of the buffer is maintained.
5. All regulated and specimen trees located within required buffers shall be retained and protected.
6. Bufferyards range in width from 10 to 40 feet. The following table illustrates the required bufferyard widths:

Table 3.8 Bufferyard Width

Applicant Zoning District	#1: OS	#2: R-10, R-20	#3: MF, MH, O&I	#4: BD, CBD	#5: HC	#6: HI, LI
#1: OS	0'	0'	0'	0'	0'	0'
#2: R-10, R-20	0'	0'	0'	0'	0'	0'
#3: MF, MH, O&I	20'	20'	0'	20'	20'	20'
#4: BD	10'	20'	10'	0'	0'	0'
#5: CBD	0'	20'	10'	0'	0'	0'
#6: HC	40'	40'	20'	0'	0'	20'
#7: HI, LI	40'	40'	40'	20'	20'	0'

7. Bufferyard types identify the type of vegetation required. The following table outlines the requirements of a Type A and Type B bufferyard:

Table 3.9 Bufferyard Type

Buffer Type	Type A	Type B
Adjacent Land Uses	One and Two-family Residential	Non-Residential/Multi-family
Minimum # of Trees	2 canopy, 4 understory per 1,000 square feet	1 canopy, 2 understory per 1,000 square feet
Minimum # of Shrubs	12 per 1,000 square feet	8 per 1,000 square feet
Minimum % of Evergreen	75%	50%

8. Alternatives: Fences, Walls, and Earth Berms.

- a) Earthen berms are encouraged as a viable alternative to Type A or B bufferyards. Such berms shall be installed at a minimum height of six (6) feet above the lowest adjacent grade and shall include a minimum of 10 shrubs per 1,000 square feet.
- b) If required landscaping of a bufferyard makes up over 20% of the total square footage of a lot, the use of a solid wall or fence may reduce the yard requirement by one half (½). If the yard requirement is reduced, it shall meet the following:
 - i) A fence or solid wall shall be of material compatible with the principal building in composition and color;
 - ii) Maximum height of a fence or solid wall used in a bufferyard shall be eight (8) feet, the top two (2) feet of which may have up to 50% opacity; and
 - iii) Plantings shall be located between the fence or wall and the adjoining property line.

3.18 TREE PROTECTION AND LANDSCAPE PRESERVATION

A. GENERAL

The overarching goal of this section is to proactively manage the City of Southport's Urban Maritime Forest and its tree canopy. This management will take the form of tree preservation when at all possible, and mitigation through the replanting of trees when others must be removed.

A healthy and expansive tree canopy provides a wide range of benefits to the citizens of Southport. Aesthetically, the nurturing of trees and tree canopy provides for a pleasant and beautiful community in which both residents and visitors alike benefit from. Economically, a robust tree canopy provides a consistent cooling effect on our community and on individual properties that can significantly reduce cooling costs for homeowners and businesses alike. Property values on both public and private land are increased when trees form part of the landscape. A healthy tree can increase residential property values by as much as 27 percent.

One large tree can lift up to 100 gallons of water out of the ground and discharge it into the air in a day, helping to filter the air that we breathe and control storm water. In our coastal location, Southport's tree canopy protects our community and helps mitigate the damage caused by wind during tropical storms and hurricanes.

The city finds that the preferred method used by developers of proposed development for minor, major, or PUD development in the city is to clearcut the entire area to be developed and then to replant trees in mitigation of the damage done by the clearcutting. The City finds that, even when fully mitigated pursuant to this ordinance, both the aesthetic and environmental damage done by the mass and indiscriminate destruction of forest by such clearcutting can never be fully restored until the trees planted in mitigation reach maturity many years in the future. For this reason, the City seeks to limit the environmental and aesthetic damage done in the process of development to the extent reasonably possible by reducing the number of trees removed in development rather than planting new trees in substitution therefore.

For all these reasons, the City of Southport places great value on our Urban Maritime Forest and the tangible and intangible benefits that it provides. This section provides a plan to ensure that existing trees are protected, in particular our signature heritage Live Oaks, and at the same time provides guidelines for mitigation through the replanting of native species when it is necessary to remove trees.

B. PURPOSE

1. The general purpose of this section is to regulate and control the planting, maintenance, and removal of trees and vegetation on both public and private property.
2. The specific purposes of this section are:
 - a) To safeguard and enhance property values and to protect public and private investment through the maintenance and protection of significant existing trees.
 - b) To prevent lot clearing;
 - c) To outline the City's responsibilities with regard to protection and maintenance of Southport's urban forest trees and landscaping on public property; and
 - d) To prevent the indiscriminate removal of trees and ensure mitigation when trees are necessarily removed.

C. AUTHORITY TO TREAT OR REMOVE TREES ON PRIVATE PROPERTY

1. The UDO Administrator may cause or order the removal of any tree or part thereof on public or private property which is in an unsafe condition, damaging or likely to damage sewers or other public improvements facilities, or which is infested by an injurious fungus, disease, insect or other pest.
2. The UDO Administrator may cause or order necessary treatment for any tree on public or private property which is infested by any injurious fungus, disease, insect or other pest when they determine such action is necessary to prevent the spread of any such injurious condition or pest and to prevent danger therefrom to persons or property or to vegetation planted on adjacent property.
3. Before exercising the authority conferred by this section, the UDO Administrator shall order the owner or occupant of the property to take corrective action. The order shall be in writing and shall state that the action specified therein must be

taken within 10 consecutive calendar days after the order is mailed. The order shall be mailed by certified or registered mail, return receipt requested. Failure to comply with the order of the UDO Administrator shall be a violation of this section. If the condition has not been corrected or if action that would lead to a timely correction of the condition has not been taken within the time specified above, the UDO Administrator or their designee may seek an injunction, order of abatement or other equitable remedy in a court of competent jurisdiction against the property owner to ensure compliance in accordance with NCGS 160A-175.

D. TREE IMPACT PERMIT

1. Removal or damage to any protected tree or development activities within the critical root zone of any protected tree without the prior issuance of a tree impact permit or the failure to conform to the terms and conditions thereof is hereby prohibited. A protected, or Regulated Tree, is defined as follows:
 - A. A hardwood tree, having a single trunk at least eight (8) inches in DBH. Trees may have a 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 twelve (12) inches DBH.
 - C. Any tree, of any species, with a DBH of thirty (30) inches or greater **(Specimen Tree)**
2. For previously platted residential lots or one or two-family residential uses, a tree impact permit shall be required to remove or conduct any development within the critical root zone of any protected regulated tree located within any setback and for a protected specimen tree located anywhere on said property. An as-built tree survey will be required prior to the Certificate of Occupancy for new residential construction.
3. For nonresidential, multi-family, or major subdivisions, a tree impact permit shall be required to remove any protected tree located anywhere on site. An as-built tree survey shall be required for Major Site Plans prior to the Certificate of Occupancy and for Major Subdivisions prior to Final Plat approval.
4. Any protected trees permitted to be removed pursuant to any tree impact permit shall be mitigated pursuant to subsection H (entitled "Mitigation") of this section of this ordinance. All persons seeking a permit for removal of a protected tree as provided above shall make application to the city via the tree impact permit application.

E. EXCEPTIONS

1. The UDO Administrator may waive the requirements of this section during a city declared state of emergency in accordance with NCGS 166A-19.22.
2. If any regulated tree shall be determined to be a hazard tree such that it may:
 - a) Immediately endanger the public health, safety or welfare; or
 - b) Cause an immediate disruption of public services.

F. TREE PLAN

1. A tree plan must be submitted to, reviewed, and approved by the UDO Administrator prior to the issuance of a tree impact permit.
2. For nonresidential, multi-family, major subdivisions, or planned unit developments the tree plan shall be a scaled plan not less than 1"= 30' and shall be prepared by a landscape architect registered in the state and the tree plan shall provide the following information:
 - a) Two separate zones during the planning phase:
 - i) Tree Removal Zones – Zones that show the impacts of utility, infrastructure, and drainage improvements. These improvements would still require mitigation for all regulated live oaks 8" or greater in diameter.
 - ii) Tree Safe Zones/Lot Preservation – The area designated on a preliminary plat of a minor or major subdivision or PUD that makes up the individual lots where trees are to be left untouched. 80% of the lot is to be left untouched prior to lot development.
 - b) Property line with bearings and distances, easements, marsh and wetland delineations and other information necessary to depict the development area;
 - c) All existing and proposed buildings, paving, infrastructure, and utilities;
 - d) All protected regulated and specimen trees located on the site indicating the diameter, species, and the critical root zone for each protected tree;
 - e) All regulated and specimen trees located on the site proposed to be removed, including species and size;
 - f) All proposed newly planted trees indicating the DBH and height at planting, and species;
 - g) Tree protection zones, protective fencing details, and tree wall and/or tree well details;
 - h) Maintenance plan identifying the methods to ensure the viability of all trees and the party responsible for continuing maintenance;
 - i) Listing of total number of trees and DBH inches to be removed and the total number of trees and DBH inches to be planted by species; and
 - j) Seal of the design professionals with signature and date.
3. For residentially zoned vacant lots or one and two-family residential uses, the tree plan to be submitted as part of the permitting process shall include a hand drawn

sketch, rendering, or copy of an existing plat or survey of the property indicating the location of those regulated or specimen trees proposed to be removed, as well as any trees proposed to be planted as mitigation (if applicable).

- a) TREE RETENTION REQUIREMENTS PER LOT IN THE R10, R20, MF, AND PUD ZONING DISTRICTS
 1. 3,000 sq ft - 1 broadleaf canopy tree
 2. 6,500 sq ft - 2 broadleaf canopy trees
 3. 11,000 sq ft - 3 broadleaf canopy trees
 4. 14,000 sq ft - 4 broadleaf canopy trees
 5. 20,000+ sq ft - 5 broadleaf canopy trees
- b) In cases where the tree retention requirements above prohibit the development of a lot, mitigation will be required.
- c) In cases where the lot does not have canopy trees, the developer must plant to the requirements in 3 a).

4. Distance from utilities. Any tree required by this section which is placed within 20 feet lateral distance from the centerline of an above ground electric utility line (the line connecting pole centers) should have a maximum expected maturity height as follows:
 - a) Zero (0) to 10 feet lateral distance of the centerline, 15-foot maximum expected maturity height; and
 - b) Zero (0) to 10 feet lateral distance of the centerline, 15-foot maximum expected maturity height; and
 - c) Outside 20 feet of lateral distance, trees should be placed in the most feasible manner to avoid future conflict with aboveground electric utilities and violations of the National Electric Safety Code, and to avoid conflict with any below ground utilities and drainage facilities. Variations to such distance requirements may be made with the approval of the Public Services Director.

G. CRITERIA FOR ISSUANCE OF TREE IMPACT PERMIT

1. Unless the applicant for a permit under this section is engaged in new construction, no tree impact permit shall be issued unless one (1) or more of the following criteria are met:
 - a. The protected tree is dead, severely diseased, injured or in danger of falling close to existing or proposed structures.
 - b. The protected tree is causing disruption of existing utility service or causing drainage or passage problems upon the rights-of-way.
 - c. The protected tree is posing an identifiable threat to pedestrian or vehicular safety.
 - d. The protected tree to be removed is located within 15 feet of the principal structure, within five (5) feet of detached buildings (sheds, accessory structures, garages), pools, hardscape patios, and driveways.
 - e. The protected tree violates state or local safety standards.

- f. Removal of the protected tree is necessary to enhance or benefit the health or condition of adjacent trees or property.
2. Any tree removed requiring mitigation shall be mitigated through the planting of new material as provided in 3.18 H Mitigation. Mitigation shall not be required for trees that are dead, severely diseased, injured or if the tree poses a threat to an existing structure due to the poor condition of the tree.

H. MITIGATION

1. The indiscriminate removal of trees is not allowed. A tree impact permit request must be accompanied by a clarification of purpose/need. Mitigation is required when it is determined that a tree may be removed. The removal of any protected regulated tree within any setback or the removal of any protected specimen tree located anywhere on site, if approved, must be mitigated in accordance with the following standards:
 - a. The total diameter at breast height (DBH) of all applicable protected trees proposed for removal shall be totaled. The resultant number of DBH inches to be removed must be planted back on the site with an appropriate number of trees to replace the equivalent DBH of those trees removed. For example, if 72 inches DBH of specimen trees are proposed for removal from a site, the equivalent number of new trees required to meet the 72 inches of DBH removed shall be planted back on site (24 trees installed at three (3) inches Caliper would meet this requirement).
 - b. Existing residentially zoned vacant lots or one and two-family residential uses shall only be required to mitigate 25% of the total DBH of regulated or specimen trees removed. All other development types and/or proposals for any major subdivision shall be subject to the full mitigation replacement ratio requirement provided in subsection 1 (a).
 - c. A minimum of one (1) regulated or specimen tree of the same species removed shall be installed through mitigation. Where regulated or specimen canopy trees are removed, the replanting requirement shall consist of a minimum 25% heritage Live Oak (*Quercus virginiana*) and an overall minimum of 50% canopy trees. Where regulated or specimen Live Oak (*Quercus Virginiana*) trees are removed, the replanting requirement shall consist of a minimum of 50% such species.
 - d. Any replanted trees shall be canopy or understory trees as provided in Tables 3.5 or 3.6.
 - e. Utilization of understory trees shall not exceed 50% of the required mitigation plantings.
 - f. A mitigation plan that contains between 10 to 50 understory trees shall include, with balanced representation, a minimum of three understory tree species as provided in Table 3.6.
 - g. A mitigation plan that contains over 50 understory trees shall, with balanced representation, include a minimum of four understory tree species as provided in Table 3.6.
 - h. Minimum sizes for mitigation plantings are canopy trees 3" diameter at breast height and understory trees 2" diameter at breast height.

2. Any mitigation trees required as a result of the removal of regulated or specimen trees may be counted to meet the requirements of the street yard, buffer, or parking facility landscaping requirements.
3. Significant Heritage Live Oak Trees retained on site will be eligible for a mitigation credit as follows:
 - a. 10" to 20": Retaining and preserving Heritage Live Oaks of this size will receive credit with a multiplier of 2. For example, retaining a 10" Live Oak would equal 20" of mitigation credit.
 - b. 20" to 30": Retaining and preserving Heritage Live Oaks of this size will receive credit with a multiplier of 3. For example, retaining a 20" Live Oak would equal 40" of mitigation credit.
 - c. Greater than 30": Retaining and preserving Heritage Live Oaks of this size will receive credit with a multiplier of 4. For example, retaining a 30" Live Oak would equal 120" of mitigation credit.
4. Mitigation trees must be planted within a year of the tree permit being issued. Failure to do so will constitute a violation of this section.

I. LOT CLEARING AND PREPARATION

1. No alteration of vegetation, trees, or landscape material in excess of three (3) inches DBH shall occur on a lot or building site prior to the issuance of a zoning or tree impact permit. Some clearing of understory trees and shrubs may be required to prepare a site for survey, inspection by governmental agencies as part of any permitting process, or to stake the proposed building site.
2. On densely vegetated lots, a walking access trail not to exceed three (3) feet may be cleared for access purposes. Permission to clear any understory trees and shrubs less than three (3) inches DBH for said walking access trail shall be permitted following consultation with the UDO Administrator; however, clearing shall be kept to an absolute minimum.
3. Violations of the lot clearing and preparation section shall constitute a minimum (1) one-year delay in the issuance of any city issued development approval.
4. In the event that a lot has been cleared without obtaining all proper permits from the city and the UDO Administrator is unable to determine the exact number of trees which have been removed in violation of this ordinance, a civil penalty shall be levied under this subsection as follows:
 - a) If the property is located within a residential district, the offender shall be subject to a civil penalty in the amount of \$1.00 for each square foot of the total size of the lot that was cleared (not based on the lot area cleared). In addition, the offender shall be required to plant two (2) replacement canopy trees per 10,000 sf or fraction thereof.
 - b) If the property is located within a nonresidential district, the offender shall be subject to a civil penalty in the amount of \$2.00 for each square foot of the total size of the lot that was cleared (not based on the area cleared). In addition, the offender shall be required to plant four (4) replacement canopy trees per 10,000 sf or fraction thereof.

- c) In addition to the civil penalties set forth in subsections 4(a) and 4(b) above, the offender shall be subject to all enforcement provisions of Section 2.15.D of this Unified Development Ordinance.

J. TREE PROTECTION DURING CONSTRUCTION

1. A major objective of this section is to encourage the preservation of existing vegetation wherever possible while allowing quality development to take place. As a result, the following measures shall be required for protected trees during the construction process.
 2. Protective fencing not less than four (4) feet high or other construction barrier shall be placed at and completely encompass the critical root zone of all protected trees.
 3. Any tree whose critical root zone will be affected by soil removal shall have roots cut clearly by trenching at a point at least one (1) foot outside the construction barrier installed as required above.
 4. The following shall be prohibited within the critical root zone of any protected tree, except as may be necessary when constructing, repairing or replacing public utilities:
 - a) Grading and excavation which involves cutting or filling to a depth of more than three (3) inches.
 - b) Pouring of any material onto ground which is toxic to plants.
 - c) Installing, depositing, placing, storing, or maintaining any stone, brick, sand, concrete or other materials which may impede the free unobstructed growth of or passage of water, air, and fertilizer to the roots.
 - d) Storing of any construction materials within the critical root zones of the protected trees.
 - e) Attaching any sign, poster, notice or other object, or fastening any guy wire, cable, rope, nail, screw, or other device to any protected tree for any reason other than that of a protective nature to the tree.
 - f) Causing or encouraging any fire or burning of any kind near or around any tree.
 5. In the event that a developer is unable to meet the critical root zone requirements of this section, the developer must have a Landscape Architect or ISA Certified Arborist prepare guidelines on how to protect the Critical Root Zone to the maximum extent possible during the development process.

K. DAMAGE TO TREES

1. It shall be unlawful to intentionally damage or destroy trees planted on municipally owned or controlled property except as a part of a city-authorized improvement program.
2. It shall also be a violation of this section to attach or place any rope or wire (other than one to support a young or broken tree), sign, poster, handbill, or anything to any such public tree.
3. A person damaging a tree on public property in violation of this section shall be liable to the city for such damage, including any loss of value. In the event damage is so pervasive as to result in the treatment or removal of the tree, the person damaging such tree shall also be liable for costs of treatment or removal. Values of

public trees or the amount of damages thereto will be determined by a certified arborist retained by the City of Southport.

4. The monies collected for damages and loss of value will be placed in the City of Southport Tree Mitigation Fund and are to be used solely for restitution for damages or for other costs incurred by the city for violation of this section.

L. HAZARD TREE

1. Every owner of any tree overhanging a street or sidewalk within the city is responsible for pruning the branches so that such branches shall not obstruct vehicles or pedestrians. Provided further, that all property owners within the city are hereby required to cause the removal of any dead or diseased trees on their property whenever such trees constitute a hazard to life and property or harbor insects or diseases which constitute a potential threat to other trees. Failure to take such action shall be a violation of this section.
2. The UDO Administrator or his designated representative shall give written notice to any owner violating the terms of this section of said violation and give said owner no less than 10 days to perform the duties in connection with his or her property as specified in (a). If said owner or occupant shall refuse or neglect to perform the duties hereof, the UDO Administrator or his designee may seek an injunction, order of abatement or other equitable remedy in a court of competent jurisdiction against the property owner to ensure compliance in accordance with NC GS 160A-175.
3. In case the owner(s) of any lot or other real property is unknown or their whereabouts is not known after diligent efforts to identify and locate said person, then a copy of the written notice herein above referred to shall be posted upon the premises. The City Clerk shall make an affidavit setting out the facts and circumstances justifying the posting of said property.

M. PROTECTION OF UTILITIES

Public utilities shall exercise reasonable care and utilize best management practices to avoid damage and injury to public trees during the installation and maintenance of its facilities. The City's Public Services Director or their designee will provide assistance on any utility project to see that the public utilities can be installed or repaired with minimal damage to any public tree utilizing standards outlined in the City of Southport Urban Forest Management Plan (2011).

N. NOTIFICATION FOR WORK NEAR PUBLIC TREES

1. As part of any new construction project, no person or business shall perform any grading, excavation, place any fill, compact the soil or construct any building structure, street, sidewalk, driveway, pavement or public utility within 25 feet of any public tree without first notifying and consulting with the UDO Administrator. Any such work shall be conducted in accordance with this section.
2. Any public utility constructing or maintaining any overhead wires or underground pipes or conduits within 25 feet of public trees shall consult with the Public Services Director prior to performing work which may cause injury to public trees.

O. PRUNING REQUIREMENTS

A permit is not required for the pruning of trees. However, in order to prevent excessive pruning and topping of trees and to prevent pruning that will be hazardous to the health and natural appearance to the tree, compliance with approved pruning standards is required, and failure to meet these standards is a violation of this section. The UDO Administrator shall maintain on file at all times a copy of the current edition of Pruning Standards by the American Society of Consulting Arborists and shall make copies of such standards available for the cost of reproduction upon request.

P. PENALTIES FOR VIOLATIONS OF THIS SECTION

1. Any person removing any tree in violation of this section, in addition to mitigation requirements, shall be subject to a civil penalty of one hundred dollars (\$100.00) per inch diameter at breast height (DBH) of the tree.
2. Any person removing any regulated tree after notice of the requirements of this section, in addition to the mitigation requirements, shall be subject to a civil penalty of two hundred dollars (\$200.00) per inch DBH of the tree.
3. Any person removing any City Owned Tree in violation of this section, in addition to the mitigation requirements, shall be subject to a civil penalty of three hundred dollars (\$300.00) per inch DBH of the tree.

Q. CITY OF SOUTHPORT; RESPONSIBILITY

1. It is the responsibility of the City of Southport to maintain the City's iconic, Urban Maritime Forest. The City shall undertake a program of review, maintenance, and regulatory oversight in order to maintain the current and future health of our forest landscape.

R. FORESTRY COMMITTEE; RESPONSIBILITY.

1. The City of Southport Forestry Committee shall review and recommend actions to preserve and enhance the community's trees. The committee's actions will include protection of existing trees, tree replenishment, public education, and any other function related to the community's urban forest environment.

S. APPROVED TREE LIST

1. The City shall maintain a list of approved native trees for various applications. A copy of the approved native tree list can be found in Section 3.17.

T. DEVELOPMENT OF ANNUAL TREE PROGRAM.

1. The City Manager, in cooperation with the Forestry Committee, shall annually review its tree maintenance and installation needs including new projects, pruning of existing trees and replacement of diseased or damaged trees in conjunction with development of the City's annual budget. The City, in coordination with the Forestry Committee, will undertake an annual planting program, focusing on Southport's iconic live oaks (*Quercus virginiana*) on the City's public areas and rights

of way. The Forestry Committee will identify planting locations with a focus on replacing trees that have been lost/removed as well as to expand the forest canopy.

U. COMMUNITY AWARENESS

1. The City shall undertake programs, as may be determined by the Forestry Committee, Director of Tourism, and/or the Director of Parks and Recreation, which enhance the community's awareness of the value of trees and qualify for points toward the Tree City, USA Growth Award. The City shall annually hold an Arbor Day Ceremony, planned and organized by the Southport Forestry Committee, which focuses attention on the value of trees in the urban environment, and encourages public participation in tree planting or other activities supporting Southport's urban forest.

V. MAINTENANCE OF PUBLIC TREES/PROJECTS

1. The Public Services department shall be responsible for the maintenance of trees on municipal property with the advice of the City Manager or his designee. The Public Works department and Forestry Committee will annually assess trees located on public property and identify those that require maintenance or removal. The City will undertake any required maintenance utilizing City Staff, or when required, contract the work to be completed within current ANSI standards and/or International Society of Arboriculture (ISA) Best Management Practices.
2. The City shall have the right to prune, maintain and remove any tree on public grounds which interferes with the safe flow of traffic, any traffic control device or sign.
3. It shall be unlawful for any person to top or cut back to stubs the crown of any tree on City property or ROW.
4. Trees severely damaged by storms or other causes where required pruning practices are impractical may be exempted from this section as determined by the City Manager. This also includes dead, dying, or diseased determined by the City Manager or their designee and which pose a threat to the safety of the community.
5. All other City departments shall cooperate fully with the City Manager or his designee in carrying out the responsibilities of this section.
6. The planting, maintenance, and/or removal activities of public trees shall meet current arboricultural best management practices (ANSI A300 Standards) and follow guidelines outlined in the 2011 City of Southport Urban Forest Management Plan. City departments, contractors, community organizations and individuals performing tree related activities on City-managed property are required to adhere to these standards.

3.19 SIGNS

A. GENERAL

1. It is the intent of this section to protect public interest, safety and welfare and, to that end, the purpose of this section is specifically declared to be as follows:
 - a) To promote economic development and preserve the historic character while minimizing the negative impacts that signs may have on the visual appearance of the City of Southport;

- b) To provide orientation and guidance to our tourists and visitors and identification of public areas, natural resources, historical and cultural landmarks and places of interest and in so doing reduce confusion and traffic congestion;
 - c) To inform and educate visitors and residents of opportunities and events both commercial and noncommercial occurring in the City of Southport; and
 - d) To permit and regulate signs in such a way as to support and compliment land use objectives.
2. Encroachment Into Right-of-Way. No part of any sign shall be located on or extended into a public right-of-way without all applicable permits except as allowed by this section.
3. Visibility. No sign or structure shall be erected or maintained to impede safe and adequate visibility from vehicles or for pedestrians.
4. Illumination. Where permitted, illuminated signs shall be subject to the following conditions:
 - a) Any light used for illumination shall be shielded so that the beams or rays of light will not shine into surrounding areas or on the public roadway.
 - b) Neither direct nor reflected light from any light source shall create a traffic hazard or distraction to operators of motor vehicles on public thoroughfares.
 - c) Sign illumination shall be only at the minimum level required for nighttime readability.
5. Signs for Nonconforming Uses. Signs for nonconforming uses, where such uses may be continued, shall be allowed, but shall comply with all regulations for signs in the zoning district where such signs are located.

B. APPLICABILITY

1. Except as otherwise provided in subsection C, it shall be unlawful to erect or maintain any sign without first obtaining a sign permit. No permit shall be required, however, for maintenance of a sign restored back to its original condition. Failure to secure a permit shall constitute a violation of this section.
2. A scaled drawing displaying the location of the sign on the associated property, the sign dimensions, construction, height, setbacks from all property lines, lighting, electrical and all other elements associated thereto shall accompany all sign permit applications.
3. If actual work for the permitted sign on the site is not commenced within 60 days from the date of such sign permit or if substantial work for the permitted sign is suspended for a period of 60 consecutive days after issuance of the sign permit, the permit shall automatically become null and void. Provided, however, for new construction, the sign permit shall not become null and void until 60 days after the Certificate of Occupancy has been issued.
4. When any permit has been revoked under the terms of this section, the permit fees shall not be refunded. If a sign permit is denied, however, the permit fee will be refunded.
5. All permanent signs shall be designed and constructed to meet the requirements of the NC Building Code. Depending on the type of sign construction, the building inspector may require engineer certified plans.
6. Any sign proposed to be constructed beyond the mean high-water line requires the issuance of a Special Use Permit in accordance with the requirements set forth in Article

2. Any such sign shall not be located off-premise and must comply with applicable sign type provisions provided in this section.

C. SIGNS EXEMPT FROM PERMIT REQUIREMENTS

Unless otherwise prohibited hereinafter the following signs are exempt from permit requirements but subject to the provisions provided herein:

1. Signs which are not designed to be visible beyond the boundaries of the lot upon which they are located and/or from any public thoroughfare or right-of-way, except as such signs may be regulated hereinafter.
2. Official governmental notices and notices posted by governmental officers in the performance of their duties; governmental signs or signs installed under governmental authority.
3. Noncommercial Flags, pennants, or insignia of any nation, organization of nations, state, county or city, any religious, civic or fraternal organization, or any educational or cultural facility.
4. Temporary decorations or displays.
5. Temporary or permanent signs to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines, and similar devices or signs providing directions around such conditions.
6. Merchandise, pictures, or models or products or services which are incorporated as an integral part of a window display.
7. Signs displayed on trucks, buses, trailers or other vehicles which are being operated in the normal course of a business which are affixed or painted onto moving vans, delivery trucks, contractors' vehicles, and equipment and the like provided that, when not being so operated, such vehicles are parked or stored in areas appropriate to their use as vehicles.
8. Trademarks or product names which are displayed as part of vending machines, dispensing machines, automatic teller machines, and gasoline pumps.
9. Signs required for or specifically authorized for a public purpose by any law, statute, or ordinance. These signs may be of any type, number, area, height above grade, location or illumination authorized by law, statute, or ordinance under which such signs are required or authorized.
10. Signs that display information pertinent to the safety or legal responsibilities of the general public with regard to a particular piece of property shall be located on the premises to which the information pertains.
11. Signs attached to buildings (integral sign) which identify buildings and which are permanently integrated by etching, embossing, and/or engraving or which are otherwise permanently made a part of building facades.
12. Special event signs are limited to up to four (4) signs per event. These signs may remain in place for up to 30 days within a calendar year. Signs shall be removed immediately following the event.
13. Signs affixed to windows of vehicles displaying information regarding the sale of said vehicles.
14. Real Estate Signs. Temporary signs advertising the sale, rental, or lease of the property on which said signs are located are allowed, provided such signs are not illuminated.

- a) Residential zoned property. One (1) double faced sign per street frontage is allowed. Each sign face square footage shall not exceed six (6) square feet (excluding sign support structure).
- b) All other zoned property. One (1) double faced sign per street frontage is allowed. Signs may not exceed 32 square feet per face or eight (8) feet in height.
- c) Removal. All such signs shall be removed within seven (7) days after the closing of the sale, rental, or lease of the property.

15. Directional Signs. Directional signs shall be located on the premises to which directions are indicated. Directional signs shall not exceed four (4) square feet per face, two (2) faces per sign, and shall not exceed three (3) feet in height if freestanding or six (6) feet in height if attached to the principal or an accessory structure. The maximum number of signs allowed per lot shall be four (4). These signs may be internally or externally illuminated.

16. Incidental Signs. Incidental signs shall be located on the premises to which the information pertains. These signs shall be single-faced only and wholly attached to a building (including the windows or doors).

17. Copy Changes and Maintenance. No permit shall be required for copy changes made to a changeable copy sign, menu board, marquee sign, or off-premise sign; provided any such changes do not change the classification of the sign under this section. No permit shall be required for maintenance where no structural changes are made.

18. Political Signs. Multiple temporary signs with a noncommercial message and no larger than nine (9) square feet in area, may be erected by a property owner on their property for a ninety (90) day period prior to a primary or general election involving candidates for federal, state, or local offices. During this time, a property owner is allowed one larger sign, not to exceed thirty-two (32) square feet. These signs shall be removed within ten (10) days following the election.

Within NCDOT right-of-way, sign placement and duration shall be in accordance with NCGS 136-32 during the period beginning on the 30th day before the beginning date of "one-stop" early voting under NCGS 163-227.2 and ending on the 10th day after the primary or election day, subject to the following provisions. A person must obtain the permission of any property owner of a residence, business, or religious institution fronting the right-of-way where a sign would be erected. Signs must be placed in accordance with the following:

- a) No sign shall be permitted in the right-of-way of a fully controlled access highway.
- b) No sign shall be closer than three (3) feet from the edge of the pavement of the road.
- c) No sign shall obscure motorist visibility at an intersection.
- d) No sign shall be higher than 42 inches above the edge of the pavement of the road.
- e) No sign shall be larger than 864 square inches.
- f) No sign shall obscure or replace another sign.
- g) No sign shall be located in the city's right-of-way.

19. Construction Signs. Construction signs shall be allowed provided such signs do not exceed one (1) sign per street frontage with a maximum of two (2) signs per construction site. Such signs shall not exceed 32 square feet in area display face and no

more than 10 feet in height. Construction signs shall not be erected prior to the issuance of a building permit and shall be removed within seven (7) days of the issuance of a certificate of occupancy.

20. Fence-wrap signs affixed to fences surrounding a construction site may be allowed in accordance with NCGS 160D-908.
21. Temporary Signs. Each lot in a residential zoning district or each establishment within a nonresidential zoning district shall be allowed one (1) temporary sign not exceeding six (6) square feet or four (4) feet in height. Such sign shall not be constructed utilizing wood, cement, steel, or other similar structures of a permanent nature. Such signs shall be easily removed and placement thereof shall not be of a permanent fashion.
22. A-frame Sign. Any premises, including those containing multiple businesses, may place only one (1) A-frame sign per street frontage, per business.
 - a) Placement: The sign must be placed directly in front of the business it promotes. Placement of the sign must be in accord with the Americans with Disabilities Act, which requires four (4) feet of sidewalk clearance in addition to the amount of space occupied by the sign. The sign shall be placed in a manner so as not to impede the line of sight for vehicular and/or pedestrian traffic. Along streets with diagonal or perpendicular parking, the sign may be placed within one (1) foot of the curb but must not obstruct a pedestrian's pathway from a parked car to the sidewalk. Along streets with parallel parking, the sign must be at least two (2) feet from the curb. No sign may be placed where the unobstructed space for the passageway of pedestrians is reduced to less than four (4) feet. No signs are allowed in driveways or on improved city streets.
 - b) The sign must not exceed 48 inches in height, 24 inches in width and eight (8) square feet per side in area (which includes legs/stand/bracing). The sign must be constructed of materials that present a finished appearance and have locking arms on the sides that enable the sign to withstand high winds.
 - c) The sign must be removed and stored inside the business after business hours or at dusk (whichever comes first) and may not be outside on days when the business is closed. A-frame signs shall not be artificially illuminated.
 - d) Any person erecting an A-frame sign or a portable off-premise sign shall indemnify and hold harmless the city and its officers, agents and employees from any claim arising out of the presence of the sign on city property or rights-of-way. Any person erecting an A-frame sign must sign an indemnification agreement approved by the city attorney prior to the issuance of a permit. The indemnification agreement must be accompanied by proof of insurance covering the liability assumed in this subsection and the agreement.

D. SIGNS PROHIBITED IN ALL ZONING DISTRICTS

The following signs and/or sign features shall not be erected or maintained in any zoning district within the planning jurisdiction of the City of Southport.

1. Signs on roadside appurtenances or snipe signs. On- or off-premise signs on city owned roadside appurtenances, including, but not limited to roadside benches, planters, utility poles, trees, and refuse containers.
2. Vehicle/Trailer signs. Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign.

3. Signs of illusion. Signs with optical illusion of movement by means of a design which presents a pattern capable of reversible perspective, giving the illusion of motion.
4. Signs resembling traffic signals. Signs displaying intermittent light resembling the flashing light customarily used in traffic signals, or used by police, fire, ambulance, or other emergency vehicles, nor shall any sign use the word "stop," "danger," or any other words, phrase, symbol, or character in a manner that might be construed as a public safety warning or traffic sign.
5. Animated signs and flashing signs.
6. Signs obstructing access. Signs which obstruct free ingress to or egress from a driveway or a required door, window, fire escape, or other required exit way.
7. Billboard Signs.
8. Any sign or outdoor advertising display which contains statements, words or pictures of an obscene character as defined in NCGS 14-190.1 such as will offend public morals or decency.
9. Feather flags.
10. Any temporary or permanent off-premise sign unless explicitly permitted by this ordinance.

E. ON-PREMISE SIGNS: RESIDENTIAL DISTRICTS R-10, R-20, MF, MH, AND PUD

The following signs may be allowed within residential zoning districts subject to the issuance of a sign permit. Within a PUD, the following signs may only be permitted in the residential portion of the development.

1. Subdivision and multi-family development signs must either be freestanding ground signs or attached wall signs. If the signs are freestanding ground signs, the height shall be limited to six (6) feet from grade and the minimum setback shall be 10 feet. Each entrance may have two (2) signs no more than 32 square feet per face.
2. Nonresidential Uses in Residential Zoning Districts.
 - a) One permanent ground mounted sign may be permitted on a lot containing a nonresidential use in a residential zoning district provided the sign meets the following requirements:
 1. The sign shall be set back a minimum of 10 feet from the street right-of way and any adjacent lot lines.
 2. The maximum sign area shall be 32 square feet.
 3. The sign may include a changeable copy sign, to be included as part of the maximum sign area.
 4. No such sign or any portion of the structure shall exceed six (6) feet in height.
 5. The sign may only be illuminated through an external light source.
 - b) Attached single faced wall signs shall be permitted for all nonresidential uses in a residential district in the same manner as permitted for nonresidential uses in the BD zoning district.

F. ON-PREMISE SIGNS: NON-RESIDENTIAL DISTRICTS CBD, BD, HC, O/I, LI, HI AND PUD

The following signs may be allowed within nonresidential zoning districts subject to the issuance of a sign permit. Within a PUD, the following signs may only be permitted in the nonresidential portion of the development.

1. Attached Single Face Wall Sign. Shall be allowed on all sides of a business. The total allowable tenant face signage shall not exceed 25% of the building face of 32 square feet, whichever is greater.
 - a) Single tenant building. Wall area shall be total area of the applicable exterior wall.
 - b) Multi-tenant building. Wall area shall be defined by that area of the exterior wall enclosed by the intersection of the interior floor, ceiling and wall(s) of the tenant's space.
2. Roof Signs. Signs on the surfaces of a mansard roof and on parapets shall be allowed provided the signs do not extend above the roof or parapet to which they are attached. The size of the sign shall be subject to the 25% allowable area for an attached single face wall sign.
3. Projecting Double Face Signs. One (1) projecting sign per street front shall be allowed.
 1. Signs shall not project more than four (4) feet from the facade of the building.
 2. Clearance over sidewalks shall be at a minimum of nine (9) feet and clearance over streets, alleys or driveways shall be a minimum of 14 feet.
 3. Signs shall not project above third story of the building or above the building soffit, eave line, or building parapet.
 4. The maximum sign area for a projecting sign shall be nine (9) square feet.
 5. Projecting signs shall not be internally illuminated.
4. Freestanding Ground Sign. One (1) freestanding ground sign shall be allowed per street front per lot. Freestanding ground signs are not allowed in the CBD zoning district.
 1. Such signs may contain signage for each establishment within a multi-tenant building subject to the height and size requirements provided in Table 3.10. See Table 3.10 for height and area requirements based on zoning district in which it is located.
 - a) Each sign for multi-tenant signs shall be uniform in color and make. Individual logos using the same color palette can be incorporated.

Table 3.10 Freestanding Ground Sign Size		
Zoning District	Maximum Height	Maximum Square Footage per Face
CBD	0	0
HC	25 ft.	125 sq. ft.
BD/OI/PUD	8 ft.	60 sq. ft.
LI/HI	25 ft.	187.5 sq. ft.

5. Window Signs. Window signs in all nonresidential districts do not require a sign permit provided they comply with the standards in Section 3.19 and not occupy more than 25% or 25 SF of the window, whichever is less.
6. Electronic Message Center (EMC) Signs. EMC signs which do not exceed ten (10) square feet per sign face are allowed and shall be included in the allowable sign area, provided, however, if an existing freestanding sign is located on the lot, then the EMC sign must be incorporated into the existing freestanding sign.
 1. The EMC portion of the sign may not exceed 30% of the permitted sign face. No variations in light intensity are permitted.
 2. EMC signs shall only be permitted on municipal property.

7. Inflatable Sign. One (1) inflatable sign shall be allowed once per calendar year per business.
 1. Inflatable signs are prohibited in the Central Business District (CBD) or Business District (BD)
 2. Further, inflatable signs shall not be internally illuminated; shall not be higher than 25 feet above grade; and shall not be erected or maintained on a building parapet or roof. The time allowed for these signs shall not exceed 10 days. These signs shall be located on either an attached, tethered, or freestanding structure. The sign and its structure shall not block or inhibit the visibility of vehicular traffic or in any way pose a danger to pedestrians or vehicular traffic or property.

G. MAINTENANCE

1. All signs erected must be properly permitted and inspected for compliance with the applicable codes of the State of North Carolina and the City of Southport and with other parts of this ordinance.
2. Sign in disrepair. Signs that are unsafe, or which no longer can be easily recognized for their intended purpose due to disrepair or fading.
3. The following maintenance requirements must be observed for all signs visible from any public street or highway within the jurisdiction of this article.
 - a) No sign shall have more than 20% of its surface area covered with disfigured, cracked, ripped, or peeling paint or poster paper for a period of more than 30 successive days.
 - b) No sign shall be allowed to stand with bent or broken sign facing, broken supports, loose appendages or struts or be allowed to stand more than 15 degrees away from the perpendicular for a period of more than 30 successive days.
 - c) No sign shall be allowed to have weeds, vines, landscaping, or other vegetation growing upon it and obscuring its view from the street or highway from which it is to be viewed for a period of more than 30 successive days.
 - d) No neon or internally illuminated sign may be allowed to stand with only partial illumination for a period of more than 30 successive days.
 - e) If a sign or sign structure is damaged such that more than 50% of the value is lost, with such determination made by the UDO Administrator, any repair or replacement must be done in conformance with this Section.

H. ILLUMINATION

1. Where illuminated signs are permitted, they shall conform to the following requirements:

- a) All signs illuminated under the provisions of this section shall be constructed to meet the requirements of the National Electrical Code.
- b) Signs which contain, include, or are lighted by any flashing, intermittent, or moving lights are prohibited, except Electronic Message Center signs.
- c) Illuminated signs lighted internally with glass or plastic faces bearing the advertisements and diffusing the direct rays of the light source to prevent any direct line of sight with said light source shall be no more than six (6) square feet. Exceptions include signage for municipal uses and for public health and safety.
- d) Backlit and halo lighting that otherwise meet the provisions of Section 3.19 of this ordinance are allowed.
- e) No sign shall be brighter than is necessary for clear and adequate visibility.
- f) No sign may display light of such intensity or brilliance to cause glare or otherwise impair the vision of the driver or result in a nuisance to a driver.
- g) No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, or signal.
- h) The light source color temperature for window and outdoor lighting shall not exceed 3,000 degrees Kelvin.
- i) Neon, argon, other gas tube, or light emitting diode (LED) with the appearance of neon lighting or signage shall be prohibited on external walls or placed in the interior window. A business is allowed one (1) neon or LED open sign no larger than 11"x24".
- j) Flood and display lighting shall be shielded so as to prevent direct rays of light from being cast into a residential area or district and/or on a public right-of-way from any direction. Such lighting shall also be shielded so as to prevent view of the light source from a residence or residential district and/or vehicles approaching on a public right-of-way from any direction. In addition, no sign shall permit light to emit upwards towards the sky.
- k) Flame as a source of lighting is prohibited.

I. MURALS

Decorative works of art, defined as drawings or murals that do not direct attention to an organization, a business operated for profit, a product, commodity or service for sale or lease shall be required to obtain a sign permit and meet the following guidelines:

1. Murals shall not be located on the side of a structure that is adjacent to or directly across a right-of-way across from a residential structure unless written approval from the adjacent property owners is obtained by the applicant.

2. Murals located on a primary frontage of a structure shall be subject to the wall sign area allowances for the district which they are located.
3. Murals located on rear and secondary facade of a structure shall not be subject to square footage limitations, provided such murals do not contain commercial copy, to include any tradename, trademark, or the name or logo of the establishment associated with the mural.
4. Murals may not extend beyond the eaves, parapet, or sides of a building, nor project from the surface.
5. Murals shall be maintained at all times in a state of good repair. It is the responsibility of the owner to ensure that the mural is maintained and does not suffer from extensive discoloration.
 - a. Materials. The paint used for the mural shall not be reflective, neon, or fluorescent. The paint shall be of high quality and weatherproof.
 - b. Colors. The overall color scheme must be selected to be harmonious with the area and blend with the historical colors of the community. Murals are to be visual aesthetics of the historic district.
 - c. Theme. The theme of a mural should promote the greater community including historic and regional factors and be compatible in design with the historical character of Southport.

J. NONCONFORMING SIGNS

All nonconforming, previously unprohibited signs existing on the date of the adoption of this Ordinance shall be allowed to remain unless structurally altered or damaged greater than 50% of the value of the sign. This does not preclude changing the face of the sign with the applicable permit.

K. SIGN ENFORCEMENT

1. Notice of Violation. The UDO Administrator shall have the authority to issue a notice of violation for all violations of this section in accordance with Section 2.15 Enforcement of this ordinance. Where the owner of the sign is indicated on the sign or is otherwise apparent or known to the UDO Administrator, a copy of the notice of violation shall be delivered to the sign owner by hand delivery, or mail, or by attaching a highly visible sticker reading "VIOLATION" to the face of the sign. The letter, and/or sticker shall include the date that it was attached to the sign with instructions of the violation, and to contact the Administrator immediately.
2. Time to Remedy Violation. All sign violations shall be remedied within 15 days
3. Extension of Time for Compliance. The UDO Administrator shall have the authority to grant a single 15-day extension of time within which to remedy the violation of any sign.
4. Remedies for Failure to Comply.
 - a) In addition to or in lieu of the other remedies set forth in this ordinance, the UDO Administrator shall have the authority to issue a remove order for any sign not repaired or in violation by the foregoing provisions. Remove orders shall be issued to and served upon the person(s) described in subsection (1) by the means set forth therein. The sign shall

be removed 15 days after the service of the remove order at the expense of the offender. The remove order shall describe with particularity the location of the sign to be removed and all of the reasons for issuance of the remove order, including specific reference to the provisions of this section which have been violated. In the event it is not claimed within 15 days, the administrator shall have authority to dispose of the sign.

b) The UDO Administrator shall have the authority to remove, without notice, and impound any sign that is hazardous; or attached to trees, utility poles or natural features; or abandoned signs; and/or signs erected without a permit.

5. Removal and Recovery of Expense. In the event of failure to comply with the requirements of a remove order, the UDO Administrator may cause such sign to be removed. The sign owner and property owner may be jointly and severally liable for the expense of removal. Notice of the cost of removal shall be served upon the person(s) described in subsection (1) by the means set forth therein. If said sum is not paid within 30 days thereafter, said sum shall be collected by the city in a civil action in the nature of debt, which shall not subject the offender to the penalty provisions of NCGS 14-4.

3.20 NONCONFORMITIES

A. GENERAL

There are existing uses of land, structures, lots of record, signs, and site features that were lawfully established before the effective date of this ordinance or a subsequent amendment thereto, that now do not conform to standards and requirements of this ordinance. Such uses, structures, lots, signs, and site features are collectively referred to as "nonconformities." The purpose and intent of this section is to allow nonconformities to continue to exist, but to regulate their continued existence and limit their expansion so as to bring them into conformity to the extent that is reasonably practicable.

B. CONTINUATION – REPAIR AND MAINTENANCE

1. Continuation. Nonconformities are allowed to continue in accordance with the requirements of this section.
2. Maintenance Allowed. Nonconformities are allowed and encouraged to receive minor repairs and routine maintenance that are necessary to maintain the nonconformity and its surroundings in a safe condition and to protect against health hazards.
3. Strengthening Allowed. Nothing in this ordinance shall prevent the strengthening or restoration to a safe or lawful condition of any part of any building or structure declared unsafe or unlawful by the city's building inspector.
4. Change of ownership/tenancy. No change of title or possession or right to possession of property involved with a nonconformity shall be construed to prevent the continuance of such nonconformity.

C. NONCONFORMING LOTS OF RECORD

1. Legal Nonconforming Lot not meeting minimum lot size requirements. Any lot of record existing as of the effective date of this ordinance that has dimensions and area requirements which are less than required by the district in which it is located, may be used as a building site for any permitted use in that district subject to compliance with all required setbacks or applicable dimensional standard exceptions, and all other applicable development standards.
2. Contiguous nonconforming lots owned by the same person, which were legally subdivided and recorded in Brunswick County prior to August of 1973, may be combined for the purpose of re-positioning lot lines as long as all of the net resulting lots are less non-conforming. No additional lots may be created through this process, as the number of lots resulting from the reconfiguration must be equal to or less than the number of lots originally in place. The resulting lots must be more conforming to all city standards than they were prior to undertaking this process. Any structure in existence on any of these contiguous lots at the time of reconfiguration cannot create new non-conformities or increase the extent of existing non-conformities with respect to yard size and setback requirements.

D. NONCONFORMING STRUCTURES (DIMENSIONAL NONCONFORMITY)

Where a lawfully established principal structure, accessory structure, fence, wall, pier, dock, deck, staircase, driveway or similar structure exists as of the effective date of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful and compliant with all other state or federal regulations, including substantial damage/improvement flood damage prevention ordinance regulations, subject to the following provisions:

1. Nonconforming structures subject to damage by fire, explosion, tornado, earthquake, hurricane or similar uncontrollable cause may be reconstructed in the same location and with the same footprint as existed prior to damage. In no instance shall replacement of a nonconforming structure increase the nonconformity or result in a larger structure than existed prior to damage.
2. Nonconforming structures with maintenance and repair needs may be replaced in the same location and with the same footprint in accordance with a previously approved site plan or building permit, as applicable; in the same location and up to the same dimensions as originally existed; or in compliance with the current dimensional requirements.

E. NONCONFORMING USES

The lawfully established use of building or premises existing as of the effective date of this ordinance may be continued although such use does not conform to the provisions of this ordinance, and nonconforming uses therein changed are subject to the following regulations:

1. A nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this ordinance, was manifestly designed or arranged to accommodate such use. However, a nonconforming use may not be extended to additional buildings or to land outside the original building.
2. A nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming.
3. Any structure used for single-family residential purposes and maintained as a nonconforming use may be replaced with a similar structure of a larger size, so long as the replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to yard size and setback requirements. In particular, a manufactured home may be replaced with a larger manufactured home, and a "single-wide" manufactured home may be replaced with a "double-wide." This paragraph is subject to the limitations stated in abandonment and discontinuance of nonconforming situations.

F. ABANDONMENT OR DISCONTINUANCE OF NONCONFORMING SITUATIONS

- A. When a nonconforming use is discontinued for a consecutive period of 180 days for any reason other than destruction/repair the property involved may thereafter only be used for conforming purposes.
- B. For purposes of determining whether a right to continue a nonconforming situation is lost pursuant to this subsection, all of the buildings, activities, and operations maintained on a lot are generally to be considered as a whole. For example, the failure to rent one apartment in a nonconforming apartment building or one space in a nonconforming manufactured home park for 180 days shall not result in a loss of the right to rent that apartment or space thereafter so long as the apartment building or manufactured home park as a whole is continuously maintained. But if a nonconforming use is maintained in conjunction with a conforming use, discontinuance of a nonconforming use for the required period shall terminate the right to maintain it thereafter. And so, if a manufactured home is used as a nonconforming use on a residential lot where a conforming residential structure also is located, removal of that manufactured home for 180 days terminates the right to replace it.