

ARTICLE 12. ZONING & CONDITIONAL USE PERMIT APPROVAL

(revised 6-12-08)

Section 12-1: Permits Required

- (A) Subject to Article 17 (Regulations for Signs), the use made of property may not be substantially changed, substantial clearing, grading, or excavation may not be commenced, and buildings or other substantial structures may not be constructed, erected, moved, or substantially altered except in accordance with and pursuant to one of the following permits:
 - (1) A zoning permit issued by the administrator.
 - (2) A conditional-use permit issued by the Board of Adjustment.
 - (3) Floodplain development permit.
- (B) Zoning permits, conditional-use permits, and sign permits are issued under this Ordinance only when a review of the application submitted, including the plans contained therein, indicates that the development will comply with the provisions of this Ordinance if completed as proposed. Such plans and applications as are finally approved are incorporated into any permit issued, and except as otherwise provided in Section 12-13, all development shall occur strictly in accordance with such approved plans and applications.
- (C) Physical improvements to land to be subdivided may not be commenced except in accordance with a permit issued by the Administrator upon approval of the appropriate Board as defined by this Ordinance.
- (D) A zoning permit, conditional-use permit, or sign permit shall be issued in the name of the applicant (except that applications submitted by an agent shall be issued in the name of the principal and shall be accompanied by a signed affidavit designating such agent), shall identify the property involved and the proposed use, shall incorporate by reference the plans submitted, and shall contain any special conditions or requirements lawfully imposed by the permit-issuing authority. All such permits issued with respect to tracts of land in excess of one acre (except sign permits and zoning permits for single-family and two-family residential uses) shall be recorded in the Brunswick County Registry after execution by the record owner as provided in Section 12-11.

Section 12-2: No Occupancy, Use, or Sale of Lots Until Requirements Fulfilled.

Issuance of a conditional-use or zoning permit authorizes the recipient to commence the activity resulting in a change in use of the land or (subject to obtaining a building permit) to commence work designed to construct, erect, move, or substantially alter building or other substantial structures or to make necessary improvements to a subdivision. However, except as provided in Section 12-10, the intended use may not be commenced, no building may be occupied, and in the case of subdivisions, no lots may be sold until all of the requirements of this Ordinance and all additional requirements imposed pursuant to the issuance of a conditional-use permit have been complied with.

Section 12-3: Who May Submit Permit Applications

- (A) Applications for zoning, conditional-use, or sign permits or subdivision plat approval will be accepted only from persons having the legal authority to take action in accordance with the permit or the subdivision plat approval. By way of illustration, in general this means that applications should be made by the owners or lessees of property, or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this Ordinance, or the agents of such persons (who may make application in the name of such owners, lessees, or contract vendees).
- (B) The administrator may require an applicant to submit evidence of his authority to submit the application in accordance with Subsection (A) whenever there appears to be a reasonable basis for questioning this authority.

Section 12-4: Applications To Be Complete

- (A) All applications for zoning, conditional-use, or sign permits must be completed before the permit-issuing authority is required to consider the application.
- (B) An application is complete when it contains all of the information that is necessary for the permit-issuing authority to decide whether or not the development, if completed as proposed, will comply with all of the requirements of this Ordinance.

- (C) The administrator shall make every effort to develop application forms, instructional sheets, checklists, or other techniques or devices to assist applicants in understanding the application requirements and the form and type of information that must be submitted. In cases where a minimal amount of information is necessary to enable the administrator to determine compliance with this Ordinance, such as applications for zoning permits to construct single-family or two-family houses, or applications for sign permits, the administrator shall develop standard forms that will expedite the submission of the necessary plans and other required information.

Section 12-5: Application Review Procedure (Revised 4-13-06)

- (A) Prior to the filing of an application requiring the approval of the Planning Board and/or the Board of Aldermen, the applicant shall submit to the Administrator a sketch or preliminary design plan for the proposal. Four (4) copies of all materials containing the information required by the pertinent section of the UDO shall be submitted. The Administrator, together with City staff shall have thirty (30) days in which to determine the completeness of the submission. It is the intent during this period to outline significant issues such as access, layout, development constraints, availability of and proximity to utilities, environmental impacts and/or pertinent zoning regulations. Missing or incomplete information is to be supplied by the applicant during this period. The Administrator may extend this period to allow the applicant to complete the application, and staff to review the material submitted. Upon determination of completeness, the application will then be placed on the next available Planning Board agenda. Upon notification of placement on the agenda, the applicant shall submit to the Administrator, twelve (12) copies of all material required by the Wednesday one week prior to the meeting of said Planning Board to perfect the application. Failure to timely submit shall be grounds for tabling of the application.
- (B) At the Planning Board meeting, the applicant should present the proposed application and receive the Planning Board's input. The Planning Board may appoint a Review Committee to report at the next regularly scheduled meeting. At that meeting, the Planning Board shall adopt and issue a report which shall determine whether there are any recommendations by the Board which should be incorporated into the preliminary plat or planned building group application or the referral to the Board of Aldermen.

Section 12-6: Zoning Permits

- (A) A completed application form for a zoning permit shall be submitted to the administrator by filing a copy of the application with the administrator in the planning department.
- (B) The administrator shall issue the zoning permit unless he finds, after reviewing the application, that:
 - (1) The requested permit is not within his jurisdiction according to the Table of Permissible Uses, or
 - (2) The application is incomplete, or
 - (3) If completed as proposed in the application, the development will not comply with one or more requirements of this Ordinance (not including those requirements when a variance has been granted or those the applicant is not required to comply with under the circumstances specified in Article 8, Nonconforming Situations).
- (C) If the administrator determines that the development for which a zoning permit is requested will have or may have substantial impact on surrounding properties, he shall, at least 10 days before taking final action on the permit request, send a written notice to those persons who have listed for taxation real property any portion of which is within 150 feet of the lot that is the subject of the application, informing them that:
 - (1) An application has been filed for a permit authorizing identified property to be used in a specified way,
 - (2) All persons wishing to comment on the application should contact the administrator by a certain date, and
 - (3) Persons wishing to be informed of the outcome of the application should send a written request for such notification to the administrator.
- (D) Prior to the issuance of a zoning permit, a City of Southport Business Privilege License must be acquired for properties located within the corporate limits.

Section 12-7: Authorizing Use or Occupancy Before Completion of Development Under Zoning Permit

In cases when, because of weather conditions or other factors beyond the control of the zoning-permit recipient (exclusive of financial hardship), it would be unreasonable to require the zoning-permit recipient to comply with all requirements of this Ordinance prior to commencing the intended use of the property or occupying any buildings, the administrator may authorize the commencement of the intended use or the occupancy of buildings (insofar as the requirements of this Ordinance are concerned) if the permit recipient provides a performance bond or other security satisfactory to the administrator to ensure that all of the requirements of the Ordinance will be fulfilled within a reasonable period (not to exceed 12 months) determined by the administrator.

Section 12-8: Authorizing Use, Occupancy, or Sale Before Completion of Development Under Conditional-Use Permits

- (A) In cases when, because of weather conditions or other factors beyond the control of the conditional-use permit recipient (exclusive of financial hardship) it would be unreasonable to require the permit recipient to comply with all of the requirements of this Article before commencing the intended use of the property or occupying any buildings or selling lots in a subdivision, the permit-issuing board may authorize the commencement of the intended use or the occupancy of buildings or the sale of subdivision lots (insofar as the requirements of this section are concerned) if the permit recipient provides a performance bond or other security satisfactory to the board to ensure that all of these requirements will be fulfilled within a reasonable period (not to exceed 12 months).
- (B) When the developer proposes in the plans submitted to install amenities beyond those required by this Article, the Board may authorize the permittee to commence the intended use of the property or to occupy any building or to sell any subdivision lots before the additional requirements are fulfilled or the amenities installed if it specifies a date by which or a schedule according to which such requirements must be met or each amenity installed and if it concludes that compliance will be ensured as the result of any one or more of the following:
 - (1) A performance bond or other security satisfactory to the Board is furnished;

- (2) A condition is imposed establishing an automatic expiration date on the permit, thereby ensuring that the permit recipient's compliance will be reviewed when application for renewal is made;
 - (3) The nature of the requirements or amenities is such that sufficient assurance of compliance is given by Section 7-4 (Penalties and Remedies for Violations) and Section 7-5 (Permit Revocation).
- (C) With respect to subdivisions in which the developer is selling only undeveloped lots, the Board may authorize final plat approval and the sale of lots before all the requirements of this Article are fulfilled if the subdivider provides a performance bond or other security satisfactory to the Board to ensure that all of these requirements will be fulfilled within not more than 12 months after final plat approval.

Section 12-9: Completing Developments in Phases

- (A) If a development is constructed in phases or stages in accordance with this section, then, subject to Subsection (C), the provisions of Section 12-2 (No Occupancy, Use, or Sale of Lots Until Requirements Fulfilled) and Section 12-10 (exceptions to Section 12-2) shall apply to each phase as if it were the entire development.
- (B) As a prerequisite to taking advantage of the provisions of Subsection (A), the developer shall submit plans that clearly show the various phases or stages of the proposed development and the requirements of this Article that will be satisfied with respect to each phase or stage.
- (C) If a development that is to be built in phases or stages includes improvements that are designed to relate to, benefit, or be used by the entire development (such as a swimming pool or tennis courts in a residential development) then, as part of his application for development approval, the developer shall submit a proposed schedule for completion of such improvements. The schedule shall relate completion of such improvements to completion of one or more phases or stages of the entire development. Once a schedule has been approved and made part of the permit by the permit-issuing authority, no land may be used, no buildings may be occupied, and no subdivision lots may be sold except in accordance with the schedule approved as part of the permit, provided that:

- (1) If the improvement is one required by this Article then the developer may utilize the provisions of Section 12-9(A) or (C).
- (2) If the improvement is an amenity not required by this Article or is provided in response to a condition imposed by the Board, then the developer may utilize the provisions of Section 12-9(B).

Section 12-10: Expiration of Permits. (Vested Right Provisions are provided in Article 23)

- (A) Zoning, conditional-use, and sign permits shall expire automatically if, within six (6) months after the issuance of such permits, the use authorized by such permits has not commenced, in circumstances where no substantial construction, erection, alteration, excavation, demolition, or similar work is necessary before commencement of such use.
- (B) If, after some physical alteration to land or structures begins to take place, such work is discontinued for a period of one year, then the permit authorizing such work shall immediately expire. However, expiration of the permit shall not affect the provisions of Section 12-11.

Section 12-11: Effect of Permit on Successors and Assigns.

- (A) Zoning, conditional-use, and sign permits authorize the permittee to make use of land and structures in a particular way. Such permits are transferable. However, so long as the land or structures or any portion thereof covered under a permit continues to be used for the purposes for which the permit was granted, then:
 - (1) No person (including successors or assigns of the person who obtained the permit) may make use of the land or structures covered under such permit for the purposes authorized in the permit except in accordance with all the terms and requirements of that permit, and;
 - (2) The terms and requirements of the permit apply to and restrict the use of land or structures covered under the permit, not only with respect to all persons having any interest in the property at the time the permit is obtained, but also with respect to persons who subsequently obtain any interest in all or part of the covered property and wish to use it for or in connection with purposes other than those for which the permit was originally issued, so long as the

persons who subsequently obtain an interest in the property had actual or record notice (as provided in Subsection (b)) of the existence of the permit at the time they acquired their interest.

- (B) Whenever a zoning or conditional-use permit is issued to authorize development (other than single-family or two-family residences) on a tract of land in excess of one acre, nothing authorized by the permit may be done until the record owner of the property signs a written acknowledgment that the permit has been issued so that the permit may be recorded in the Brunswick County Registry by the City of Southport and indexed under the record owner's name as grantor.

Section 12-12: Amendments to and Modifications of Permits

- (A) Insignificant deviations from the permit (including approved plans) issued by the Board of Aldermen, the Planning Board, the Board of Adjustment, or the administrator are permissible and the administrator may authorize such insignificant deviations. A deviation is insignificant if it has no discernable impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.
- (B) Minor design modifications or changes in permits (including approved plans) are permissible with the approval of the permit-issuing authority. Such permission may be obtained without a formal application, public hearing, or payment of any additional fee. For purposes of this section, minor design modifications or changes are those that have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.
- (C) All other requests for changes in approved plans will be processed as new applications. If such requests are required to be acted upon by the Board of Adjustment, new conditions may be imposed, but the applicant retains the right to reject such additional conditions by withdrawing his request for an amendment and may then proceed in accordance with the previously issued permit.
- (D) The administrator shall determine whether amendments to and modifications of permits fall within the categories set forth above in Subsections (A), (B), and (C).

- (E) A developer requesting approval of changes shall submit a written request for such approval to the administrator, and that request shall identify the changes. Approval of all changes must be given in writing.

Section 12-13: Reconsideration of Board Action (revised 6-12-08)

- (A) Whenever the Board of Adjustment disapproves a conditional-use permit application, or an application for a variance, on any basis other than the failure of the applicant to submit a complete application, such action may not be reconsidered by the respective board at a later time unless the applicant clearly demonstrates that:
 - (1) Circumstances affecting the property that is the subject of the application have substantially changed, or
 - (2) New information is available that could not with reasonable diligence have been presented at a previous hearing. A request to be heard on this basis must be filed with the administrator within the time period for an appeal to superior court (see Section 7-6). However, such a request does not extend the period within which an appeal must be taken.
- (B) Notwithstanding Subsection (A), the Board of Adjustment may at any time consider a new application affecting the same property as an application previously denied. A new application is one that differs in some substantial way from the one previously considered.

Section 12-14: Applications to be Processed Expeditiously

Recognizing that inordinate delays in acting upon appeals or applications may impose unnecessary costs on the appellant or applicant, the city shall make every reasonable effort to process appeals and permit applications as expeditiously as possible, consistent with the need to ensure that all development conforms to the requirements of this Ordinance.

Section 12-15: Maintenance of Common Areas, Improvements, and Facilities

The recipient of any, conditional-use permit, or his successor, shall be responsible for maintaining all common areas, improvements, or facilities required by this Ordinance or any permit issued in accordance with its provisions, except those areas, improvements, or facilities with respect to which an offer of dedication to the public has been accepted by the appropriate public authority. As illustrations, and without limiting the generality of the foregoing, this means that private roads and parking areas, water and sewer lines, and recreational facilities must be properly maintained so that they can be used in the manner intended, and required vegetation and trees used for screening, landscaping, or shading must be replaced if they die or are destroyed.

Section 12-16: Conditional-Use Permits Objectives and Purpose (revised 6-12-08)

Conditional uses add flexibility to the Zoning Ordinance. Subject to high standards of planning and design, certain property uses are allowed in the several districts where those uses would not otherwise be applicable. By means of controls exercised through the conditional use permit procedures, property uses which would otherwise be undesirable in certain districts can be developed to minimize any bad effects they might have on surrounding properties. Approval of a conditional use permit is made the duty of the City Board of Adjustment.

The uses for which conditional use permits are required are listed in the chart accompanying this section, along with a detailed description of the procedures which must be followed in the approval of each such permit. Uses specified in this section shall be permitted only upon the issuance of a conditional use permit.

Section 12-17: Procedure for Conditional Use Permit Granted by the City Board of Adjustment (revised 6-12-08)

Conditional use permits may be issued by the Administrator, after approval by the Board of Adjustment, for the uses as designated in Section 12-18: Regulations for Conditional Uses. The petition for a conditional use permit and accompanying plans shall be submitted to the Administrator in accordance with Section 12-5. The Board of Adjustment shall consider the application and may approve or deny the requested conditional use permit. A four-fifth majority of the entire Board is required to find in favor of an applicant for a conditional use permit. For the purposes of this section, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered "members of the Board" for calculation of

the requisite majority. When deciding conditional use permits, the Board of Adjustment shall follow quasi-judicial procedures. (See also Sections 3-15,3-19, and Section 6-1 of this Ordinance).

The conditional use permit, if approved, shall include approval of plans as may be required. In approving the permit, the City Board of Adjustment shall find as a specific finding of fact and reflect in their minutes that the permit will comply with the following four facts:

- (A) That the use will not materially endanger the public health, safety, or general welfare if located where proposed and developed according to the plan as submitted and approved;
- (B) That the use meets all required conditions and specifications;
- (C) That the use will not adversely affect the use or any physical attribute of adjoining or abutting property, or that the use is a public necessity; and
- (D) That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the City of Southport Land Use Plan.

In approving the conditional use permit, the City Board of Adjustment may designate, such conditions in addition and in connection therewith as will, in its opinion, assure that the use in its proposed location will be harmonious with the area in which it is proposed to be located and with the spirit of this Ordinance. All such additional conditions shall be entered in the minutes of the meeting at which the conditional use permit is granted and also on the conditional use permit approving, and on the approved plans submitted therewith. All specific conditions shall run with the land and shall be binding on the original applicant for the conditional use permit, the heirs, successors, and assigns. In order to ensure that such conditions and requirements for each conditional use permit will be fulfilled, the petitioner for the conditional use permit may be required to enter into a contract with the City of Southport providing for the installation of the physical improvements required as a basis for the issuance of the conditional use permit. Performance of said contract shall be secured by cash or surety bond which will cover the total estimated cost of the improvements as determined by the City of Southport; provided, however, that said bond may be waived by the City Board of Aldermen within its discretion.

If the City Board of Adjustment denies the permit, it shall enter the reason for its action in the minutes of the meeting at which the action is taken.

In addition to the conditions specifically imposed by the City Board of Adjustment, conditional uses shall comply with all minimum standards contained in this ordinance, and with the height, area, and parking regulations of the zone in which they are located.

In the event of failure to comply with the plans approved by the Board of Adjustment or with any other conditions imposed upon the conditional use permit, the permit shall thereupon immediately become void and of no effect. No building permits for further construction nor a certificate of compliance under this conditional use permit shall be issued, and the use of all completed structures shall immediately cease and such completed structures not thereafter be used for any purpose other than a use-by-right as permitted by the zone in which the property is located.

Where plans are required to be submitted and approved as part of the application for a conditional use permit, modifications of the original plans may be authorized by the City Board of Adjustment after review.

Section 12-18: Regulations for Conditional Uses (adopted 11-12-09)

- (A) Plans Required. The application shall be accompanied by a site plan drawn to scale, and necessary supporting text which shall include the following information;
- (1) Name, address, and phone number of the property owner or his or her agent, and the tax parcel number of the property. The property owner or his or her authorized agent are the only two parties who may initiate a request for a conditional use permit.
 - (2) A boundary survey and vicinity map, showing the property's total acreage, zoning classification(s), general location in relation to adjoining streets, railroads and/or waterways, date and north arrow.
 - (3) The owner's names and addresses, tax parcel numbers and existing land use(s) of all adjoining properties.
 - (4) Proposed use of all land and structures including the number of residential units, if applicable.

- (5) Proposed number and location of all structures, their approximate area and their approximate exterior dimensions, including building height.
 - (6) Proposed provisions of stormwater drainage.
 - (7) Lighting plan, inclusive of wattage and illumination.
 - (8) All existing easement, reservations and right-of-way.
 - (9) Delineation of areas located within a regulatory floodplain, as shown on the official Federal Emergency Management Act (FEMA) flood hazard boundary maps for the county.
 - (10) Delineation of areas located within a North Carolina Coastal Area Management Act (CAMA) Area of Environmental Concern as shown on the City of Southport Comprehensive Plan and defined further in 15A NCAC 7H.
 - (11) Traffic, parking and circulation plans, showing the proposed location and arrangement of parking spaces and ingress and egress to adjacent streets.
 - (12) The location and description of all proposed signage.
 - (13) Description/definition of how the property is classified on the City of Southport Comprehensive Plan future land use map.
- (B) Additional Information.
- (1) In the course of evaluating the proposed conditional use, the Board of Adjustment may request additional information from the applicant. A request for any additional information may stay any further consideration of the application by the Board until the requested information is received and evaluated.
 - (2) This information may include, but shall not be limited to, the following:
 - (a) Stormwater drainage plan.
 - (b) Existing and proposed topography at five-foot contour intervals or less.

- (c) The existing and proposed location of all water and sewer lines and fire hydrants intended to serve the proposed development.
- (d) Proposed design/exterior appearance of structures to ensure general consistency with adjacent properties/structures.
- (e) A traffic impact study of the proposed development prepared by a qualified transportation or traffic engineer or planner. The traffic impact study shall be prepared in accordance with Article 22.
- (f) An environmental impact statement which contains the following information:
 - (i) A cover sheet which provides, in summary form, a description of the proposed project;
 - (ii) A statement of purpose and need of the project;
 - (iii) For projects proposed by public entities, a list of alternatives of the proposed project;
 - (iv) A succinct description of the environment affected by the project;
 - (v) A discussion of short and long-term consequences of the project on the environment including any adverse environmental impacts which cannot be avoided; and
 - (vi) A list of means which could be employed to mitigate any negative effects on the environment caused by this project.
- (g) A description of all screening and landscaping required by these regulations and/or proposed by the applicant.
- (h) Proposed phasing, if any, and approximate completion time for each phase and the complete project.

Section 12-19: Supplemental Regulations (Adopted 11-12-09)

- (A) All conditional uses must be consistent with the intent, purpose, and requirements of the zoning district in which they are located and consistent with the City of Southport Comprehensive Plan future land use category in which they are located. There must be no disruption to or interference with existing uses located adjacent to the proposed conditional use or the general zoning district within which the conditional use will be located. The proposed conditional use and associated structures must be consistent with the size/scale of the uses located on adjacent properties.
- (B) Each conditional use must comply with all requirements of this Ordinance and the following supplemental regulations for each specified conditional use:
- (1) Adult Businesses. Adult business must demonstrate compliance with Article 20, Adult and Sexually Oriented Establishments.
 - (2) Building Material Dealers; Farm Machinery Sale and Service. These uses may not be located adjacent to any residentially used or zoned property when a conditional use permit is required.
 - (3) Business Colleges, Barbers & Beauty Schools, Art Schools, Music & Dance Studios and Similar; Schools, Correspondence & Vocational; Schools, Primary & Middle; Schools, Secondary; Schools, Specialty. Any school having 100 or more students must be located within 100 feet of a major or minor thoroughfare as designated on the City of Southport Thoroughfare Plan and have direct access to the thoroughfare.
 - (4) Business Services, Not Classified Elsewhere. The business service must be an accessory use of the property and not the principal use.
 - (5) Catalog Stores. The principal purpose of the use shall not be the on-site general retail sales of goods and commodities. All sales shall be by phone, mail, or electronic order.
 - (6) Clubs and Lodges Catering Exclusively to Members and Their Guests; Recreation Facility Private, including Clubs and Recreation Facilities Associated with Multiple Family Complexes, Golf Courses, Tennis Facilities, Country Clubs, Etc.
 - (a) 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.

- (b) Outdoor swimming pools shall be at least 100 feet from any adjoining residential zoning district.
 - (c) Hours of operation may be between 7:00 am and 10:00 pm only, if located in a residential zoning district.
- (7) Commercial Parking Lots.
- (a) 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. Consistent with the standards of Article 18 of this Ordinance, buffering shall be required by the Board of Adjustment.
 - (b) Signage. Proposed location of one (1) sign which may be no larger than ten (10) square feet; sign shall be freestanding and not higher than seven (7) feet above the ground. Two incidental unlighted entrance and exit signs not exceeding two square feet each may be provided at each entrance and/or exit.
- (8) Communication Facilities, including Radio & TV Stations, Towers, etc.; Telecommunication Towers.
- (a) Minimum Lot Area - One-half (½) acre.
 - (b) Screening is required along all sides of the perimeter of the tower site in the form of an opaque screen from the ground to a height of at least six (6) feet. As specified in Article 18 of this Ordinance, buffering shall be required by the Board of Adjustment.
 - (c) All principal structures and accessory structures on the ground which contain switching equipment or other related equipment must be designed to closely resemble the neighborhood's basic architecture. Outdoor storage of equipment or other related items is prohibited.
 - (d) Other Requirements. See Article 19, Telecommunication Tower Regulations.
- (9) Day Care Facilities, Adult.
- (a) There shall be adequate road ingress and egress to and from the site.

- (b) Traffic generated by the facility shall not be disruptive to any adjacent residentially developed properties.
- (10) Day Care Facilities, Child.
- (a) All outdoor play areas are to be surrounded by a fence or wall at least four feet in height.
 - (b) There shall be adequate road ingress and egress to and from the site.
 - (c) Traffic generated by the facility shall not be disruptive to any adjacent residentially developed properties.
 - (d) 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.
- (11) Divers with Equipment Storage. The principal purpose of the business shall not be the on-site sales of good and commodities.
- (12) Dry Cleaners. 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.
- (13) Electric Motor Repair Shops. The outside storage of materials will not be permitted.
- (14) Electronic Gaming Operations. (Adopted 9-10-09)
The following specific provision shall be met as minimum standards prior to the approval of any business engaging in electronic gaming operations as a conditional use in the Highway Commercial (HC) zoning district.
- (a) 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.
 - (b) The maximum number of machines/terminals/computers for any electronic gaming operations business is 20.

- (c) Minimum paved parking spaces:
 - (1) One (1) space per every two (2) terminals or one (1) space per every one hundred (100) square feet of total floor area, whichever is greater;
 - (2) One (1) handicapped space per every twenty-five (25) or fewer spaces;
 - (3) One (1) in every eight (8) accessible spaces, but not less than one, shall be served by an access aisle ninety-six (96) inches wide minimum and shall be designed "van accessible";
 - (4) One (1) additional space per each one (1) employee.
- (d) All applicable permits must be issued to the applicant prior to the issuance of the conditional use permit and the opening of business.
- (e) 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.
- (f) The establishment must be a minimum of five hundred (500) feet from any building being used as a dwelling or residential zoning district.
- (g) The establishment must be a minimum of one thousand (1,000) feet from any other organization engaged in an electronic gaming operations business or any adult and sexually oriented business.
- (h) The establishment must be a minimum of one thousand (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.
- (i) A current certificate and straight-line drawing prepared within thirty (30) days prior to application by a registered land surveyor depicting the property lines and the structures containing any existing electronic gaming businesses within one thousand (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 one thousand (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.

- (j) 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.
 - (k) No alcohol.
- (15) Family Recreation Centers.
- (a) If located in a PUD, the proposed family recreational center must be intended to serve the PUD in which it is located and not intended to serve community-wide or regional clientele.
 - (b) No outside uses or accessory activities will be permitted.
- (16) Farmer's Market.
- (a) 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.
 - (b) Off-street parking shall not be required in the CBD. No activities may be located within a public right-of-way
- (17) Flea Market, Open Air. No activities shall be located within a public right-of-way. A flea market may not be located adjacent to residentially used or owned property. Operating hours shall be 8:00 am to 5:00 pm. Temporary living quarters will not be permitted.
- (18) Fruit & Vegetable Market, Wholesale with Incidental Retail. 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 as specified in Article 18.
- (19) Government Uses with Buildings, Non-City of Southport. All structures must be designed to closely resemble the neighborhood's basic architecture. Parking shall be buffered from adjacent residentially used or zoned property as specified in Article 18. All government uses with buildings must also comply with the following:
- (a) The primary means of ingress and egress is from a major or minor thoroughfare.
 - (b) All outdoor lighting is installed so as not to shine or reflect directly onto surrounding properties.

- (c) All signs shall be non-illuminated.
- (20) Home Occupation. Shall be permitted only as a use that is clearly a customary, incidental, and secondary 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 other than one sign, not exceeding 18 inches by 25 inches in size, and may be lighted with indirect illumination of not more than 75 watts per side and shall not be illuminated from 10 pm til 8 am.
 - (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, and any need for parking generated by the conduct of such home occupation shall be in accordance with Article 16 of this Ordinance, and other than in a required front yard.
 - (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 person other than residents of the dwelling unit employed at the premises in connection with the home occupation.
 - (i) In the event a home occupation is being conducted at the time of the adoption of this Ordinance which does not comply with the requirements of subsection (c) hereof, said home occupation may continue provided that all requirements of the subsections above area complied with. Any home occupation not complying with all requirements of the above subsections is in violation of the Southport Unified Development Ordinance and subject to all remedies allowed by law. If said home occupation does not meet the restrictions in subsection (c) at the time of the adoption of this Ordinance, no action can be taken to increase the nonconformity in any matter.
- (21) Interior Design or Decorator Shop. Any parking located adjacent to residentially used or zoned property must be screened as required by Article 18.
- (22) Kennels (Commercial Boarders & Breeders). Must comply with the following:
- (a) All pens shall be enclosed in a building.
 - (b) The property on which the kennel is to be located shall be no closer than two hundred (200) feet to any residential zoning district.
 - (c) All properties containing a kennel shall comply with Article 18 buffer strips and landscaping.
 - (d) 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.
- (23) Labor Unions & Similar Organizations. Shall be primarily office space/use and shall not include assembly rooms approved by the Southport Fire Code to accommodate more than 50 people.
- (24) Laboratories - Testing. Shall be medically related and/other than medical waste, shall not use, include, or store hazardous materials.
- (25) Manufactured Home (Individual) for Office and/or Exhibition.
- (a) Parking. One (1) space for each person employed in the office at any given time during a twenty-four (24) hour period plus four (4) spaces for visitors.

- (b) Requirements. A temporary certificate of occupancy/compliance, allowing manufactured homes used solely as offices or for purposes of exhibition to be temporarily parked, maintained, and/or occupied on a designated lot or land location, may be issued by the supervisor of inspection services or his authorized agents where the Board of Adjustment finds as a fact that the use of such manufactured home does not violate the city or state building, electrical, or plumbing codes, or health regulations. All such certificates of occupancy/compliance shall be valid for a period of twelve (12) months, after which they may be renewed upon similar evidence of use of such manufactured home.

Notwithstanding the foregoing, a certificate of occupancy/compliance may be issued for a manufactured home for use as a temporary field office for contractors by the Administrator or his authorized agents without approval of the Board of Adjustment, if the manufactured home:

- (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 not removed 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 exceed 18 months;
- (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 by the Administrator or his authorized agents;
- (viii) Sanitary facilities are connected with an approved sewer system;
- (ix) Electrical facilities are connected in compliance with regulations as set forth in the North Carolina State Building Code.

Also notwithstanding the foregoing, a certificate of occupancy/compliance may be issued for a manufactured home for use as a manufactured classroom by a public or private school, for a school administrative manufactured office, and for a manufactured home sales office without approval of the Board of Adjustment, if the manufactured home:

- (i) Sanitary facilities are connected with an approved sewer system;
- (ii) Electrical facilities are connected in compliance with regulations as set forth in the North Carolina State Building Code;
- (iii) Provisions pertaining to a manufactured home foundation and anchorage of the manufactured home to the foundation, as contained in the State of North Carolina Regulations for Manufactured Homes, 2004 edition, are adhered to.

(26) Mini-Warehousing.

- (a) All storage compartments within the min-warehouse shall front on a private drive having a minimum width of 25 feet to ensure sufficient room for vehicular circulation, loading and parking.
- (b) 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.
- (c) If the mini-warehouse facility has a locked and keyed entrance, two staging spaces must be provided directly in front of the entrance.
- (d) All mini-warehouses must have a minimum setback of 100 feet from any adjacent residential zoned property.
- (e) Outside storage is limited to mini-warehouses in the heavy industrial district.
- (f) If the mini-warehouse is located adjacent to a residential district; hours of operation may be from 8:00 am to 9:00 pm only.
- (g) Security lights are to be shielded from all residential zoned property adjacent to mini-warehouses to prevent undo bright lights shining onto/into houses.

- (27) Motels & Hotels. Shall comply with the following:
- (a) The lot size is a minimum of one (1) acre.
 - (b) The primary means of ingress and egress shall be via a major thoroughfare as designated on the City of Southport Thoroughfare Plan.
 - (c) The property must have a minimum 200 foot frontage on a major thoroughfare.
 - (d) Any building on the site must be a minimum of 200 feet from any residential district.
 - (e) In the HC districts, the building height may exceed forty (40) feet if approved by the Board of Adjustment and if the building satisfies the following:
 - (i) The City of Southport Fire Chief finds that the City can provide adequate/safe fire protection.
 - (ii) Buildings which exceed forty (40) feet in height and are located on parcels adjacent to residentially zoned property must have an additional one-half (½) foot of both rear and side yard set back for each one (1) foot of building height over forty (40) feet.
- (28) Motorcycle Dealers. A motorcycle dealer shall not be located adjacent to any residentially used or zoned property.
- (29) Night Clubs, Not Contained in Restaurants, Motels, or Similar Businesses. 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.
- (30) Nursing and Personal Care Facility. 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.
- (31) Package Delivery Services, Commercial. The package delivery service must be adjacent to a major or minor thoroughfare as designated on the City of Southport Thoroughfare Plan. Exterior loading areas must be completely screened from view from any public right-of-way.

- (32) Radio & Television Stations, Studios, and Offices. No communication towers are permitted. Satellite dishes must be screened from ground level view.
- (33) Recreational Vehicle Parks, Private. (Adopted May 13, 2010)
The following specific provisions shall be met as minimum standards prior to the approval of any private business engaging in recreational vehicle parks, hereinafter referred to as RV Park, as a conditional use in the Highway Commercial (HC) zoning district. For the purpose of this chapter, Recreational Vehicle Park, RV Park and Travel Trailer Park have the same meaning.
- (A) Design Standards
- (1) An RV Park shall require minimum gross land area of three 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 Zoning Board of Adjustment.
 - (3) A buffer strip of at least ten feet in width shall be maintained along all public road frontages and along the perimeter of the RV Park (see Section 18-1). 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 (Section 21).
 - (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 for 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.

(B) Parking and Streets

- (1) Parking shall be provided in compliance with Article 16, Off-Street Parking and Off-Street Loading Requirements. Parking within the RV Park shall take place off an internal street within designated parking

areas only.

- (2) No campsite within an RV Park may directly access a public street. Access to all campsites and accessory structures within the RV Park shall be made using internal streets.
- (3) 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 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.

(4) 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.

(C) Utilities

(1) 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) When a public water supply is not available, a community water supply may be developed and its supply used exclusively in accordance with local and state regulations and standards of the Division of Environmental Management, NC Department of Environment, Health, and Natural Resources codified in 15A NCAC 2C. Each water supply well shall be located so as to maintain a minimum pollution-free radius as specified in N.C.G.S. 15-A-18-C-0203. Siting of well locations should be discussed with the Brunswick County health authority.
- (c) Internal water distribution systems shall be installed in accordance with minimum City Standards.

(2) Sewer

- (a) Approval by the Brunswick County Health

Department shall be required for any installation, alternation or use of a sewage disposal system. All sewage wastes from each park, including wastes from toilets, showers, bathtubs, lavatories, wash basins, sinks, and water using appliances not herein mentioned, shall be disposed of by an approved sewage disposal system.

- (b) 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.
 - (c) When a public, municipal, or community system does not exist within 1,000 feet, a centralized sewage disposal and treatment system complying with the requirements of the North Carolina Department of Environment, Health and Natural Resources shall be provided. Individual septic tank systems may be allowed in accordance with the requirements of Title 15A-Department of Environment, Health and Natural Resources - Chapter 18 - Environmental Health Subchapter 18A - Sanitation Section . 1900 - Sewage Treatment And Disposal Systems.
 - (d) 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.
- (D) RV Park Operation
- (1) General
 - (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 Zoning 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 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 RV camper may be parked on any one campsite. RV campers shall not be permitted on parcels, lots, or spaces other than those approved through these regulations.
 - (g) The transfer of title of campsites, either by sale or by any other manner shall be prohibited within an RV Park as long as the RV Park is in operation.
 - (h) All RV campers must be placed individually on approved campsites where all design standards and utilities have been completed.
 - (i) Junked or wrecked vehicles shall be prohibited in an RV Park.
- (2) Inspection

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.

- (34) Research & Development. The research and development activity must not include/require any hazardous materials. All research and development activities must be enclosed in a permanent structure.
- (35) Restaurant, Standard Fast-Food Carry-Out. The restaurant must not be located adjacent to any residentially used or zoned property.
- (36) Retail Stores, Not Classified Elsewhere. The proposed use must be consistent with other uses allowed in the proposed zoning district.
- (37) Salvage Operations.
 - (a) Any portion of the proposed use/site must be located at least 500 feet from any residentially zoned property.
 - (b) 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.
 - (c) 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 hours.

- (d) The Administrator or his authorized agents shall have discretion to determine whether screened fence or security fence and vegetation screen is in compliance with this section. The Administrator shall be available to assist an owner or operator, or maintainer of a salvage operation or junkyard, upon request of the said owner or operator, in the formulation of plans for said fencing and vegetation screen.
 - (e) All salvage operations existing at the time of adoption of this Ordinance must comply with the fencing and screening requirements within 24 months following the date of adoption of this Ordinance.
- (38) Service Stations. Provided the following conditions are met:
- (a) The service station is 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.
 - (b) The service station shall not overhaul motors, provide upholstery work, auto glass work, painting, welding, bodywork, tire recapping, or auto dismantling.
 - (c) In accordance with Article 18, the service station shall provide a screen planting and/or fence along the property lines that abut residential properties. Lighting facilities shall be arranged and of such nature that nearby residential properties are not disturbed.
 - (d) Service stations shall extinguish all floodlights at the close of daily operation or 11:00 p.m., whichever is earlier.
 - (e) Service stations located within the city shall have no gasoline or oil pump located within twelve (12) feet of any street right-of-way line. Outside the city, no such pump shall be located within fifteen (15) feet of any street right-of-way line.
 - (f) A self-service automobile wash may be allowed as an accessory use to the service station provided the following requirements are met:
 - (i) Vacuuming, drying and polishing facilities may not be located in any required yard or buffer area adjacent to a residential zoning district.

- (ii) At least two staging spaces and one drying space per wash bay shall be provided.
 - (iii) Hours of operation may be from 8:00 am to 9:00 pm only, when adjoining a residential zone.
 - (iv) 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.
 - (v) Security light must be shielded from adjacent residential zoned properties to prevent undo bright lights from shining onto/into dwellings.
 - (vi) Loud music is to be controlled by the property owner.
- (39) Shopping Center. The shopping center must be determined to be of a scope and scale suited to the proposed PUD. All exterior lighting shall be directed onto the proposed shopping center site. The proposed shopping center must comply with Article 13, Planning Building Group.
- (40) Skating Rink, Roller or Ice. A skating rink shall not be located adjacent to any residentially used or zoned property. All principal activities shall be enclosed in a permanent structure.
- (41) Taxicab Stands. 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.
- (42) Telephone Communication Facility, Unattended. 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.
- (43) Veterinary Services with Pens Enclosed in a Building. The veterinary service shall not be located adjacent to any residentially used or zoned property.
- (44) Wholesale Trade, Non-Durable Goods Except Liquefied Bulk Storage. The wholesale trade shall not be located adjacent to any residentially used or zoned property.
- (45) Wholesale Trade, Non-Durable Goods. The proposed use shall not be located within 500 feet of any portion of any residentially used or zoned property.

- (46) Manufacturing of Chemical & Allied Products; Fabricated Metal Products; Food, Except Stockyards or Slaughter of Animals.
- (a) 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 by a Registered Engineer.
 - (b) 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.
 - (c) 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.
 - (d) 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.
- (47) Pottery & Related Products. The conditional use must be limited to artist/manual pottery and not mass production.
- (48) Accessory Dwelling, Commercial. Must comply with the following:
- (a) 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.
 - (b) 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.
 - (c) The amount of floor area for the residential unit shall not exceed 1,500 square feet.

- (d) 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.
 - (e) 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.
- (49) Accessory Dwelling, Residential.
- (a) An accessory dwelling may be within, attached, or separate from the principal residential structure;
 - (b) The principal use of the lot shall be a detached single-family dwelling, built to the standards of the North Carolina State Building Code;
 - (c) No more than one accessory dwelling shall be permitted on a single deeded lot in conjunction with the principal residential structure;
 - (d) The accessory dwelling shall be owned by the same person as the principal residential structure;
 - (e) The accessory dwelling shall not be served by a driveway separate from that serving the principal residential structure;
 - (f) There shall be a separate parking space for the accessory dwelling. If the proposed use is located within the “Off-Street Parking and Loading Exemption Area,” this provision shall not apply. In other areas of the district, this provision may be waived if the Board of Adjustment feels that parking cannot reasonably be provided, and public parking in the area is sufficient to accommodate the proposed use.
 - (g) Accessory apartments shall not include more than one (1) bedroom and shall have complete bathroom and kitchen facilities. The apartment shall not exceed 800 square feet or 25% of the total square footage of the principal structure.
- (50) Bed and Breakfast.
- (a) 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.
 - (b) Management Plan. The application for a bed and breakfast home should include a management plan.

- (51) Churches, Synagogues, & Other Associated Activities, including Offices, Activity Center, Etc. Must comply with the following:
- (a) 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 conditional uses. It shall be considered a separate principal use and may be allowed on the same lot so long as the school meets all applicable conditional use, area, bulk, and setback requirements.
 - (b) 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.
 - (c) 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 may be allowed subject to the regulations covering the uses in the underlying zoning district.
- (52) Duplex; Quadraplex, Triplex. The duplex, quadraplex, 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.
 - (b) Duplexes shall include at least two of the following architectural elements of this section:
 - (i) Dormers;
 - (ii) Front porches;
 - (iii) Bay windows; or
 - (iv) Balconies.

- (c) Covered Balconies. Duplexes may provide a covered balcony on the same facade as the main entrance instead of a front porch.
 - (d) 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.
 - (e) Wherever possible, two-family (duplex) residences shall be designed in such a way that the primary entrances are not both on the same plane of the front facade.
- (53) Mixed Use.
- (a) The floor area devoted to the dwelling(s) shall not exceed twice the floor area devoted to the permitted business use(s).
 - (b) The minimum floor area for each dwelling shall be five hundred (500) square feet and the maximum floor area shall be one thousand (1,000) square feet.
 - (c) No dwelling shall have more than two (2) bedrooms.
 - (d) No mixed use building shall exceed forty (40) feet (i.e. one (1) floor commercial plus two (2) floors residential) in height.
 - (e) 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.
 - (f) Off-street parking shall be provided for each dwelling in accordance with the requirements for a dwelling in Article 16 herein. The exemption in Section 16-1 shall not apply to a mixed use if said use did not legally exist on *(the effective date of this amendment.)*
 - (g) Said parking for such dwelling(s) shall be in addition to that required for the permitted lower floor use(s) in accordance with Section 16-2 (C) but shall be located no more than four hundred (400) feet walking distance from the ground floor exterior entrance of the dwelling, Section 16-2 (D) notwithstanding.
 - (h) Mixed use buildings on redeveloped lots are exempt from the provisions of Section 13-1 (C) and 13-1 (H) (6). Said buildings are also exempt from the provisions of Section 13-1 (H) (7), if at the time of application for the mixed use, the

impervious coverage ratio exceeded 35%.

- (i) 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.
- (54) Multiple Family, including Townhouses, Apartments & Condominiums. Must comply with the following:
- (a) The site plan must be designed to give adequate consideration to the following factors:
 - (i) The size and shape of the tract.
 - (ii) The topography and necessary grading.
 - (iii) The reasonable preservation of the natural features of the land and vegetation.
 - (iv) The size of the development and its relationship with adjacent and nearby land uses.
 - (b)
 - (i) Developments with 50 or more dwelling units shall have a direct point of ingress and egress onto a major or minor thoroughfare as shown on the City of Southport Thoroughfare Plan. Developments with 100 or more dwelling units shall have at least two direct points of direct ingress and egress onto a major or minor thoroughfare as shown on the Thoroughfare Plan. A Traffic Impact Study may be required, see Article 22.
 - (ii) 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.
 - (iii) 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.
 - (iv) 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.

- (c) (i) The minimum spacing between multi-family buildings within a development shall be 20 feet, plus 1 foot for each 1 foot of height in excess of 30 feet, or as required by the City of Southport fire code.
- (ii) 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.
- (iii) The maximum allowable density for any multi-family development shall be as specified in the Table of Area, Yard, Density, and Height Requirements.
- (iv) No conditional use permit shall be issued for a multi-family development unless the area is depicted for multi-family developments on the most recently adopted version of the city's Comprehensive Plan.
- (v) 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.
- (d) 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 pickup and/or drop off children riding county school buses.
- (e) Multi-family exterior building design must comply with the following:
 - (i) 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.

(ii) The following minimum building design standards shall be complied with:

- a. Buildings shall not exceed 150 feet in length;
- b. Facades greater than fifty (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 sixty (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.

(iii) 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 eighty (80) percent of the ground are 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.
- c. Fenestration. Windows, porches, balconies, and entryways shall comprise of at least thirty (30) percent of the length of the front elevation on each floor.

- d. Articulation/Modulation. Buildings that contain multi-family dwellings shall be articulated as follows:
- i. 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.
 - ii. The articulation of buildings pursuant to this section shall include at least two of the following:
 - 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;
 - Projecting entryways, such as stoops, balconies, porticoes, bay windows, arcades, or porches
 - Changes in roof elevations, roof dormers, hips, or gables; or
 - Open balconies that project at least six (6) feet from the front building plane.

(55) Nursing Home/Convalescent Center. Nursing homes must comply with the following:

- (a) No sign exceeding four (4) square feet in area shall be permitted and all signs shall be non-illuminated.
- (b) The lot size shall be no less than 5,000 square feet.
- (c) 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.
- (d) In the CBD and BD districts, adult day care facilities shall be located in a structure that is designed architecturally for a commercial streetscape.

- (e) Facilities shall comply with Section 10-1, Note 8.
- (56) Residential or Boutique Hotels. Residential or boutique hotels shall be limited to ten (10) or fewer rooms or suites. There will not be any exterior accessory uses (including swimming pools) except for off-street parking and structures associated with landscaping.
- (57) Temporary Sales Office. 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 planned building groups. 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.