

ARTICLE 11. TABLE OF AREA, YARD, DENSITY, AND HEIGHT REQUIREMENTS (see Section 11-1, Notes 1-4)
(Revised 11-12-07)

District	Minimum Net Buildable Area (Square Feet) ₁	Yard Width	Front Yard (see Note 4, Section 11-1)	Rear Yard	Side Yard	Height (see Note 3, Section 11-1)
R-10	10,000	75	25	20	8	40
R-20	20,000	100	40	25	12	40
MF	13,750 ²	99	25	20	8	40
MH						
-MH Parks	3 Ac.	75	25	20	25	40
-RV Parks	1 Ac.	75	25	20	25	40
-MH on single lot	5,000	50	20	20	4	40
PUD	⁶	3	3	3	3	3
O/I	12,000	70	25	15	10	40
CBD	0	0	0	0	0 or 4 ft.	40
BD	0	0	25	10	0	40
HC	10,000	75	25	20 ⁴	8	40
LI	10,000	75	25	20 ⁴	8	50
HI	43,560	100	25	25 ⁵	15	100
OS	None	None	None	None	None	None

¹ Nonconforming lots which are located in the Southport Historic Area 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 forty (40) percent reduction is allowed.

² For the first two (2) units, plus an additional 3,300 square feet shall be added to the lot for each dwelling unit.

³ Shall be determined based upon the requirements of Land Use Plan approval issued by the Board of Aldermen.

⁴ Where rear yards abut residential areas 25 feet.

⁵ 70 foot rear yard where abutting residential district. A fence or plant buffer should be provided where abutting a residential area.

⁶ 8 acres in city limits

25 acres in Extra Territorial Jurisdiction (ETJ)

Section 11-1: Notes to the Table of Area, Yard, Density, and Height Requirements

Note 1. Conditional Use Requirements Take Precedence. Area, yard, density, and height requirements as specified in the issuance of a conditional use permit shall take precedence over area, yard, density, and height requirements as set forth in the Table of Area, Yard, Density, and Height Requirements.

Note 2.

- (A) Corner Lot Adjoining a Side Lot Line. There shall be a side yard on the street side of a corner lot, which shall have a width of not less than fifty percent (50%) of the front yard depth required for the adjacent lot to the rear of such corner lot when such adjacent lot fronts on the side street of the corner lot. No such side yard shall be less than eight (8) feet, except on lots having a width of less than fifty (50) feet, for which lots the minimum side yard on the street side of the lot shall be four (4) feet.
- (B) Corner Visibility. On a corner lot, within the area formed by a triangle twenty-five (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 thirty-two (32) inches and a height of ten (10) feet above the average centerline of each street.
- (C) Miscellaneous Exceptions. Steps, fire escapes, stairways, balconies and chimneys only project into a minimum yard not more than four (4) feet.

Sills, cornices, buttresses, ornamental features and similar items may project into a required yard not more than thirty (30) inches.

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 twenty (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 seventy-two (72) square feet nor constitute more than eighteen percent (18%) of the area contained in the carport, whichever is less.

When the adjacent lots of record are under single control by a lease agreement or combination of ownership and lease agreement, temporary structures such as manufactured homes, manufactured offices, utility buildings, accessory buildings, etc., may extend across any common lot line(s) of the adjacent lots of record under such lease agreement. The location of such structures shall not conflict with any off-street parking requirements, on-site traffic circulation or other applicable regulatory codes. Upon the expiration of the lease agreement, such structures must be moved to conform with the standard side or rear yard setback of the district within sixty (60) days of the expiration of the lease agreement.

- (D) 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. The Board of Aldermen may permit a retaining wall greater than five feet high where it finds that due to the topography of the lot, such a wall is necessary.
- (E) Fences and Walls. A fence is any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land. Fences 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 six (6) 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 fifteen (15) feet to any street. In all cases, the corner visibility provisions of this Ordinance shall be observed.

Only conforming industrial and business land uses (with the exception of an O-I zone) may have a solid or open fence or wall erected to a maximum height of ten (10) feet except as required by this Ordinance. An open fence or wall is one that has openings through which clear vision is possible from one side to the other on a horizontal plane, and such openings occupy fifty (50) percent or more of the area of the fence or wall. A fence or wall that does not qualify as an open fence or open wall shall maintain a setback at entrances and exits of the site to provide an adequate sight distance easement as determined by the establishment of an isosceles triangle having legs of thirty-five (35) feet in length on each corner side of said entrance or exit, and the same sight distance easement shall be applied to the corner of nonresidential lots which are characterized by a street intersection.

A building permit shall be obtained prior to erection of a fence or wall in a residential district. No fencing shall be allowed to exceed the height of four (4) feet in the front yard nor exceed a height of eight (8) feet in the side or rear yard. In 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 following height restrictions shall supercede those aforementioned: the height of any fence, wall or other barrier shall not exceed a height of four (4) feet. Height should be measured from the finished grade of the yard. On a corner lot within the area formed by a triangle twenty-five (25) feet from the intersection of the edges of the roadway surfaces or curbs, there shall be no obstruction to vision above a height of thirty-two (32) inches above the average centerline of each street. In cases where only one side of the fence is finished, that side shall face adjoining properties.

- (F) Open Storage. Any open storage not enclosed within the confines of a building, such as boxes, crates, trash piles, machinery and merchandise with open display that results from the commercial operation it is part of, shall be enclosed or hidden from view along any property lines adjacent to or in a residential zone by a wall, fence and/or screening in a manner acceptable to the Administrator or his authorized agents. All properties affected by this provision shall comply within thirty (30) days.
- (G) Accessory Structures. (Revised 4-11-13)
The total area of accessory structures shall not exceed 75% of the rear yard area of the lot and shall meet all rear and side yard setbacks of the district. However, accessory structures 530 sq. ft. 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. A maximum of two (2) accessory structures shall be permitted within the rear yard of any R-10, R-20, MF, PUD, O-I, CBD, BD or HC zoned property.

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. Detached garages in front yards must be architecturally compatible with the primary structure on the lot and the general character of the neighborhood. Architectural compatibility will be determined by the Building Inspector.

Detached garages with a second floor accessory residential dwelling may not exceed a ground level building footprint area of five hundred-thirty (530) square feet and may be constructed behind the front building line, except as allowed for riverfront lots as described above, provided they are located no closer than five (5) feet to any adjoining lot line.

- (H) Side Yards. Where a lot in the CBD district abuts a lot in another zone, the side abutting such lot shall maintain a minimum side yard of ten (10) feet.
- (I) Side Yard Provided But Not Required. Where any side yard is provided, though not required, the same shall be not less than four (4) feet.
- (J) 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 ten (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 twelve (12) feet from any electrical conductor (line).

Note 3. Height Restrictions/Modifications. Chimneys, belfries, conveyors, cupolas, derricks, domes, gasholders, fire towers, flagpoles, flues, monuments, smokestacks, transmission towers, ventilators, water towers, tanks, radio towers, poles, antennae, wires, and similar structures may be erected to any height in accordance with existing or hereafter adopted ordinances of the City of Southport, provided the foundation guy wires, support or anchorage of the structure is constructed in an acceptable method and approved by the supervisor of inspection services or his authorized agents.

Note 4. Reduction of Minimum Front Yards In Residential Districts Where Lots Along Block Face Have Less Than The Required Minimum. (Revised 10-15-10)
Where the front yards 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.