

CITY OF SOUTHPORT  
UNIFIED DEVELOPMENT ORDINANCE

**TABLE OF CONTENTS**

ARTICLE 1. GENERAL PROVISIONS. . . . .	1
Section 1-1 Title. . . . .	1
Section 1-2 Authority. . . . .	1
Section 1-3 Jurisdiction. . . . .	1
Section 1-4 Effective Date. . . . .	1
Section 1-5 Relationship to Existing Zoning and Subdivision Ordinances. . . . .	2
Section 1-6 Relationship to Coastal Area Management Act (CAMA) Land Use Plan. . . . .	2
Section 1-7 No Use or Sale of Land or Buildings Except in Conformity With Ordinance Provisions. . . . .	2
Section 1-8 Fees. . . . .	2
Section 1-9 Severability. . . . .	3
Section 1-10 Computation of Time. . . . .	3
Section 1-11 Land Disturbing Activities . . . . .	3
ARTICLE 2. BASIC DEFINITIONS AND INTERPRETATIONS. . . . .	2-1
Section 2-1 Word Interpretation. . . . .	2-1
Section 2-2 Definitions of Basic Terms. . . . .	2-2
Section 2-3 Interpretation of Zoning District Boundaries. . . . .	2-60
ARTICLE 3. ADMINISTRATIVE MECHANISMS. . . . .	3-1
PART I. PLANNING AND ZONING BOARD. . . . .	3-1
Section 3-1 Membership and Vacancies. . . . .	3-1
Section 3-2 Rules of Conduct. . . . .	3-1
Section 3-3 Meetings. . . . .	3-2
Section 3-4 General Powers and Duties. . . . .	3-3
Section 3-5 Basic Studies. . . . .	3-4
Section 3-6 Comprehensive Plan . . . . .	3-4
Section 3-7 Zoning Ordinance. . . . .	3-5
Section 3-8 Subdivision Regulations. . . . .	3-5
Section 3-9 Urban Renewal. . . . .	3-5
Section 3-10 Public Facilities. . . . .	3-5
Section 3-11 Miscellaneous Powers and Duties. . . . .	3-6
Section 3-12 Planning Board Procedures for Reporting to the Board of Aldermen. . . . .	3-6
Section 3-13 Advisory Council and Special Committees. . . . .	3-6
PART II. BOARD OF ADJUSTMENT. . . . .	3-7
Section 3-14 Creating the Zoning Board of Adjustment. . . . .	3-7
Section 3-15 Meetings. . . . .	3-7
Section 3-16 Filing and Notice for an Appeal. . . . .	3-8
Section 3-17 Power and Duties. . . . .	3-9
PART III. ADMINISTRATOR. . . . .	3-10
Section 3-18 Administrator. . . . .	3-10

PART IV.	BOARD OF ALDERMEN.....	3-10
Section 3-19	Powers and Duties. ....	3-10
ARTICLE 4.	AMENDMENTS.....	59
Section 4-1	Amending this Ordinance. ....	59
Section 4-2	Action by the Planning Board. ....	61
Section 4-3	Action by the City Aldermen . . . . .	61a
Section 4-4	Resubmission of a Denial Petition. ....	61a
ARTICLE 5.	APPEALS, VARIANCES, INTERPRETATIONS. ....	62
Section 5-1	Appeals.....	62
Section 5-2	Variances. ....	62
Section 5-3	Interpretations. ....	63
Section 5-4	Requests to be Heard Expeditiously. ....	64
Section 5-5	Burden of Proof in Appeals and Variances. ....	65
Section 5-6	Board Action on Appeals and Variances.....	65
ARTICLE 6.	HEARING PROCEDURES FOR APPEALS AND APPLICATIONS. . . .	66
Section 6-1	Hearing Required on Appeals and Applications. ....	66
Section 6-2	Notice of Hearing. ....	67
Section 6-3	Evidence. ....	67
Section 6-4	Modification of Application at Hearing.....	68
Section 6-5	Record.....	68
Section 6-6	Written Decision. ....	68
ARTICLE 7.	ENFORCEMENT AND REVIEW.....	69
Section 7-1	Complaints Regarding Violations. ....	69
Section 7-2	Persons Liable. ....	69
Section 7-3	Procedures Upon Discovery of Violations.....	69
Section 7-4	Penalties and Remedies for Violations. ....	69
Section 7-5	Permit Revocation.....	70
Section 7-6	Judicial Review. ....	71
ARTICLE 8.	NONCONFORMING SITUATIONS.....	8-1
Section 8-1	Continuation of Nonconforming Situations and Completion of Nonconforming Projects. ....	8-1
Section 8-2	Nonconforming Lots. ....	8-1
Section 8-3	Extension or Enlargement of Nonconforming Situations.....	8-2
Section 8-4	Change in Kind of Nonconforming Use.....	8-5
Section 8-5	Abandonment or Discontinuance of Nonconforming Situations. ....	8-5
Section 8-6	Completion of Nonconforming Projects.....	8-6
ARTICLE 9.	ZONING DISTRICTS AND ZONING MAP. ....	79
PART I.	ZONING DISTRICTS. ....	79
Section 9-1	Establishment of Zoning Districts, and the Purpose Thereof. ....	79
PART II.	OFFICIAL ZONING MAP. ....	80

Section 9-2	Zoning Map is a Part of this Ordinance.....	80
Section 9-3	Replacement of the Official Zoning Map.....	80
Section 9-4	Maintenance of the Official Zoning Map.....	81
PART III.	APPLICATION OF GENERAL REGULATIONS.....	81
Section 9-5	Only One Main Building, One Main Use on Lot, and Orientation of a Building.....	81
Section 9-6	Minimum Yards.....	81
Section 9-7	Lot Subdivision.....	81
Section 9-8	Improvements Bond.....	82
Section 9-9	Obstruction of Public Rights-of-Way.....	82
Section 9-10	Existing Encroachments on Rights-of-Way.....	82
ARTICLE 10.	TABLE OF PERMITTED USES.....	10-1
Section 10-1	Notes to the Table of Permitted Uses.....	10-22
ARTICLE 11.	TABLE OF AREA, YARD, DENSITY, AND HEIGHT REQUIREMENTS....	11-1
Section 11-1	Notes to the Table of Area, Yard, Density, and Height Requirements.	11-2
ARTICLE 12.	ZONING & CONDITIONAL USE PERMIT APPROVAL.....	12-1
Section 12-1	Permits Required.....	12-1
Section 12-2	No Occupancy, Use, or Sale of Lots Until Requirements Fulfilled....	12-2
Section 12-3	Who May Submit Permit Applications.....	12-2
Section 12-4	Applications To Be Complete.....	12-2
Section 12-5	Application Review Procedure.....	12-3
Section 12-6	Zoning Permits.....	12-4
Section 12-7	Authorizing Use or Occupancy Before Completion of Development Under Zoning Permit.....	12-5
Section 12-8	Authorizing Use, Occupancy, or Sale Before Completion of Development Under Conditional-Use Permits.....	12-5
Section 12-9	Completing Developments in Phases.....	12-6
Section 12-10	Expiration of Permits.....	12-7
Section 12-11	Effect of Permit on Successors and Assigns.....	12-7
Section 12-12	Amendments to and Modifications of Permits.....	12-8
Section 12-13	Reconsideration of Board Action.....	12-9
Section 12-14	Applications to be Processed Expeditiously.....	12-9
Section 12-15	Maintenance of Common Areas, Improvements, and Facilities	12-10
Section 12-16	Conditional-Use Permits Objectives and Purpose.....	12-10
Section 12-17	Procedure for Conditional Use Permit Granted by the City Board of Aldermen on Recommendation of the Planning Board.....	12-10
Section 12-18	Table of Regulations for Conditional Uses.....	12-12
Section 12-19	Supplemental Regulations.....	12-15
ARTICLE 13.	PLANNED BUILDING GROUP REGULATION.....	130
Section 13-1	Planned Building Group Regulations for Apartments, Townhouses, and Condominiums.....	130
Section 13-2	Manufactured Home Park Regulations.....	134

Section 13-3 Business Planned Building Group Regulations.....	142
ARTICLE 14. PLANNED UNIT DEVELOPMENT (PUD).....	146
Section 14-1 Minimum Size.....	146
Section 14-2 Maximum Overall Density.....	146
Section 14-3 Open Space Requirement.....	146
Section 14-4 Streets.....	146
Section 14-5 Residential Development.....	147
Section 14-6 Commercial Development.....	147
Section 14-7 Industrial Development.....	147
Section 14-8 Procedure.....	147
Section 14-9 Homeowners' Association.....	150
Section 14-10 Amendment to Site Plan Conditional Use Permit.....	151
ARTICLE 15. RESIDENTIAL CLUSTER DEVELOPMENT.....	153
Section 15-1 Purpose and Intent; Definition.....	153
Section 15-2 Area; Permitted Districts, Exemption; Street Access; Open Space(s); Density; Dimensional Standards.....	154
Section 15-3 Maximum Density Requirements.....	155
Section 15-4 Minimum Dimensional Standards.....	156
Section 15-5 Zero (0) Side and/or Rear Yard Setbacks.....	157
Section 15-6 Private Streets.....	157
Section 15-7 Compliance with Subdivision Standards.....	157
ARTICLE 16. OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS.....	16-1
Section 16-1 Exemptions.....	16-1
Section 16-2 General.....	16-1
Section 16-3 Minimum Parking Requirements.....	16-3
Section 16-4 Driveways.....	16-7
Section 16-5 Off-Street Loading Requirements.....	16-9
ARTICLE 17. REGULATIONS FOR SIGNS.....	17-1
Section 17-1 Intent.....	17-1
Section 17-2 General Provisions.....	17-1
Section 17-3 Signs Prohibited in All Zoning Districts.....	17-8
Section 17-4 On-Premise Signs.....	17-11
Section 17-5 Off-Premise Signs.....	17-26
Section 17-6 Maintenance.....	17-29
Section 17-7 Structural and Construction Requirements.....	17-30
Section 17-8 Enforcement.....	17-30
Section 17-9 Nonconforming Signs.....	17-33
Section 17-10 Variances.....	17-36
Section 17-11 Severability Clause.....	17-37
Section 17-12 Effective Date.....	17-37

ARTICLE 18. BUFFER STRIPS AND LANDSCAPING.....	18-1
Section 18-1 Buffer Strips. ....	18-1
Section 18-2 Landscaping on Public Property. ....	18-2
Section 18-3 Trees and Shrubbery in or along Streets and Sidewalks. ....	18-2
Section 18-4 Parking Facilities Landscaping. ....	18-3
Section 18-5 Tree Protection During Construction.....	18-4
Section 18-6 Maintenance. ....	18-5
Section 18-7 Authority of Public Works Director to Treat or Remove Trees on Private Property. ....	18-5
Section 18-8 Pruning Requirements. ....	18-5
Section 18-9 Exemptions. ....	18-6
ARTICLE 19. TELECOMMUNICATION FACILITIES.....	201
Section 19-1 Purpose.....	201
Section 19-2 Facilities Permitted. ....	201
Section 19-3 Telecommunications Facility Plans.....	203
ARTICLE 20. ADULT AND SEXUALLY ORIENTED ESTABLISHMENTS. ....	205
Section 20-1 Purpose.....	205
Section 20-2 Definitions. ....	205
Section 20-3 Application for Licenses. ....	211
Section 20-4 Application Procedures. ....	213
Section 20-5 Prohibited Acts and Conduct.....	219
Section 20-6 License, Posting and Display. ....	220
Section 20-7 Inspections. ....	220
Section 20-8 Suspension or Revocation of Licenses.....	221
Section 20-9 License Renewal.....	222
Section 20-10 Transfer of License.....	223
Section 20-11 Locational Restrictions. ....	223
Section 20-12 Nonconforming Uses. ....	224
Section 20-13 Additional Regulations for Adult Motels. ....	224
Section 20-14 Additional Regulations for Escort Agencies. ....	225
Section 20-15 Additional Regulations for Nude Model Studios.....	225
Section 20-16 Regulations Pertaining to Exhibition of Sexually Explicit Films, Videos, and Live Performances. ....	225
Section 20-17 Exterior Portions of Sexually Oriented Businesses. ....	227
Section 20-18 Signage. ....	228
Section 20-19 Parking. ....	229
Section 20-20 Massages or Baths Administered by a Person of the Opposite Sex... ..	229
Section 20-21 Hours of Operation.....	229
Section 20-22 Exemptions.....	229
Section 20-23 Notices. ....	230
ARTICLE 21. FLOOD DAMAGE PREVENTION ORDINANCE.....	232
PART I. IN GENERAL. ....	232
Section 21-1 Statutory Authorization. ....	232

Section 21-2 Findings of Fact.....	232
Section 21-3 Statement of Purpose.....	232
Section 21-4 Objectives.....	233
Section 21-5 Application of Article.....	233
Section 21-6 Basis for Establishing the Areas of Special Flood Hazard.....	233
Section 21-7 Establishment of Development Permit.....	234
Section 21-8 Compliance.....	234
Section 21-9 Abrogation and Greater Restrictions.....	234
Section 21-10 Interpretation.....	234
Section 21-11 Warning and Disclaimer of Liability.....	234
PART II. ADMINISTRATION.....	235
Section 21-12 Designation of Floodplain Administrator.....	235
Section 21-13 Floodplain Development Application Permit and Certification Requirements.....	235
Section 21-14 Duties and Responsibilities of the Floodplain Administrator.....	240
Section 21-15 Corrective Procedures.....	243
Section 21-16 Variance Procedures.....	244
PART III. PROVISIONS FOR FLOOD HAZARD REDUCTION.....	247
Section 21-17 General Standards.....	247
Section 21-18 Specific Standards.....	249
Section 21-19 Standards for Floodplains without Established Base Flood Elevation.....	254
Section 21-20 Standards for Riverine Floodplains with Base Flood Elevation but without Established Floodways or non-encroachment areas.....	255
Section 21-21 Floodways and Non-encroachment Areas.....	255
Section 21-22 Coastal High Hazard Areas (Zones VE).....	256
Section 21-23 Standards for Areas of Shallow Flooding (Zone AO).....	258
PART IV. LEGAL STATUS PROVISIONS.....	259
Section 21-24 Effect on Right and Liabilities Under the Existing Flood Damage Prevention Ordinance.....	259
Section 21-25 Effect Upon Outstanding Floodplain Development Permits.....	259
Section 21-26 Effective Date.....	259
Section 21-27 Adoption Certification.....	259
ARTICLE 22. TRAFFIC IMPACT STUDY.....	260
Section 22-1 Purpose.....	260
Section 22-2 Conduct.....	260
Section 22-3 Applicability.....	260
Section 22-4 General Requirements and Standards.....	261
Section 22-5 Submission and Implementation.....	264
ARTICLE 23. VESTED RIGHT PROVISIONS.....	265
Section 23-1 Purpose.....	265
Section 23-2 Establishment of a Zoning Vested Right.....	265
Section 23-3 Approval Procedures and Approval Authority.....	266
Section 23-4 Duration.....	267

Section 23-5 Termination.....	267
Section 23-6 Voluntary Annexation. ....	268
Section 23-7 Limitations.....	268
Section 23-8 Repealer. ....	268
ARTICLE 24. STORMWATER DISCHARGE CONTROL ORDINANCE.....	269
Section 24-1: General Provisions.....	269
Section 24-2: Stormwater Discharge Control Preliminary and Design Plans. .	273
Section 24-3: Ownership, Inspection, and Maintenance. ....	279
Section 24-4: Miscellaneous Provisions.....	281
Section 24-5: Sedimentation Pollution Control.....	284
Section 24-6: Stormwater Drainage. ....	284
Section 24-7: Retention Pond or Subsurface Facility Requirements. ....	285
Section 24-8: Detention and Wet Retention Facilities. ....	286
Section 24-9: Performance Bond/Security. ....	287
Section 24-10: Post-Construction Maintenance/Warranty Bond . . . . .	288
ARTICLE 25. MAJOR AND MINOR SUBDIVISIONS. ....	289
Section 25-1 Plat Shall be Required on Any Subdivision of Land. ....	289
Section 25-2 Approval Prerequisite to Plat Recordation. ....	289
Section 25-3 Procedures for Review of Major and Minor Subdivisions. ....	289
Section 25-4 Procedure for Review of Minor Subdivisions.....	289
Section 25-5 Major Subdivision Sketch Design Submission and Review..	293
Section 25-6 Major Subdivision Preliminary Plat Submission and Review.....	293
Section 25-7 Major Subdivision Final Plat Submission and Review.....	294
Section 25-8 Information to be Contained in or Depicted on Major Preliminary and All Final Plats. ....	302
Section 25-9 Recombination of Land.....	306
Section 25-10 Resubdivision Procedures. ....	306
Section 25-11 Streets. ....	307
Section 25-12 Traffic Impact Study. ....	316
Section 25-13 Lot Standards . . . . .	320
Section 25-14 Exceptions . . . . .	321
Section 25-15 Construction Procedures. ....	321
Section 25-16 Enforcement . . . . .	322
ARTICLE 26. RECREATION SITES. ....	323
Section 26-1 Applicability.....	323
Section 26-2 Exceptions.....	323
Section 26-3 Dimensional Requirements.....	323
Section 26-4 Site Suitability. ....	324
Section 26-5 Site Improvements. ....	325
Section 26-6 Method of Provision or Dedication. ....	328
Section 26-7 Payments in Lieu of Dedication.....	339

APPENDIX I  
APPENDIX II

STREET TYPES  
STORMWATER MANAGEMENT PLAN TECHNICAL MANUAL