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Ordinance



City Council
City of Wilmington
North Carolina

Introduced By: Sterling B. Cheatham, City Manager

Date: 06/02/2009

Ordinance Amending the Land Development Code (LDC-8-509)

LEGISLATIVE INTENT/PURPOSE:

WHEREAS, NCGS Section 160A-385 authorizes local governments to amend ordinances regulating land use within their jurisdiction; and

WHEREAS, the amendment set out below is made in accordance with NCGS Section 160A-364 and Article 3, Section 18-117 of the Land Development Code; and

WHEREAS, the amendment set out below is intended to promote the public health, safety and welfare by amending the Land Development Code to allow flexibility in the street yard landscaping requirements;

THEREFORE, BE IT ORDAINED:

SECTION 1: Chapter 18, Article 5, Division IV. STREET YARD LANDSCAPING is hereby amended by adding a new Section 18-478, Exceptions to street yard landscaping requirements, to read as follows:

"Sec. 18-478. Exceptions to street yard landscaping requirements.

For developments within the 1945 corporate limits of the City of Wilmington: when, in the determination of the City Manager or designee, conditions exist peculiar to the site that prevent the full width of the required street yard from being installed, the street yard multiplier may be reduced up to and including full exemption. Applicable conditions would include but not be limited to: essential site improvements; providing for ingress, egress, and circulation for the site and when structures existing on the block are within the required street yard. In these circumstances, the street yard shall be reduced only to the width necessary to accommodate such conditions."

SECTION 2: That any person violating the provisions of this ordinance shall be subject to the penalties set forth in Article XIV, Section 18-52 of the Land Development Code.

SECTION 3: That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 4: That if any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

CERTIFIED TO BE A TRUE COPY
DeLope Sporn
City Clerk
Siddbury

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SECTION 5: That this ordinance shall be effective immediately upon its adoption.

Bill Saffo
Bill Saffo, Mayor

Adopted at a regular meeting
on June 2, 2009.

ATTEST:

Philope Spier-Sidb
City Clerk



APPROVED AS TO FORM:

[Signature]
Attorney

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