

Ordinance



City Council
City of Wilmington
North Carolina

Introduced By: Sterling B. Cheatham, City Manager

Date: 11/04/2009

Ordinance Amending the Land Development Code (LDC-2-1009)

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 the use of temporary construction trailers during new construction within residential districts.

THEREFORE, BE IT ORDAINED:

SECTION 1: Chapter 18, Sec. 18-340(c)(7) of the Wilmington City Code is hereby amended by changing the requirements for "Contractor's office or mobile offices for displaced during construction" as follows:

ADDITIONAL REQUIREMENTS FOR TEMPORARY USES

<i>Use</i>	<i>Maximum Allowed Time Duration Per Each Separate Use or Event Per Site</i>	<i>Permitted Districts</i>
Contractor's office or mobile offices for the displaced-during construction	During construction period only	All districts

SECTION 2: Section 18-340(c)(8) b. of the Wilmington City Code is hereby amended to read:

"b. Temporary offices or construction trailers during construction activity.

i. Such uses shall not occupy a site within any non-residential zoning district for more than one (1) year except by variance authorized by the board of adjustment. Such uses shall not occupy a site within any residential zoning district for more than six (6) months; however, temporary use permits may be renewed by the City Manager for additional six (6) month periods if all provisions of this section are met.

ii. Temporary accommodations for the displaced shall be allowed only on the construction site and for the specific purpose of providing temporary relocation of office or work/activity space required during construction activities involving renovation, expansion or

CERTIFIED TO BE A TRUE COPY
CITY CLERK
Paula Spicer-Sidbury

reconstruction of an existing facility. Such temporary facilities for the displaced shall not apply to residential renovation, expansion or reconstruction except as allowed in this section and such facilities shall not be used for residential dwelling purposes.

iii. Such use may be placed on the proposed construction site no earlier than one (1) month prior to construction and must be removed no later than one (1) month following completion of the construction.

iv. Construction trailers:

a. May be allowed only on sites where construction is ongoing and a valid building permit has been issued and remains active.

b. Must be set back a minimum of ten (10) feet from all property lines.

v. Construction trailers may be allowed in residential districts for initial construction only, not to include residential additions or renovations, and must be removed prior to the issuance of a final certificate of occupancy”

SECTION 3: Chapter 18, Sec. 18-812, Definitions. of the Wilmington City Code is hereby amended by adding a definition of "Construction trailer" to read:

"*Construction trailer*: A temporary accommodation for offices and building material storage on a construction site. Construction trailers shall not include dumpsters, portable storage containers, or shipping containers.”

SECTION 4: 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 5: That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 6: 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.

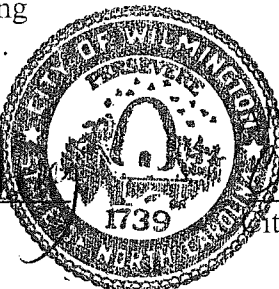
SECTION 7: That this ordinance shall be effective immediately upon its adoption.


Bill Saffo, Mayor

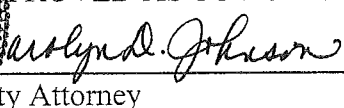
Adopted at a regular meeting
on November 4, 2009.

ATTEST:


City Clerk



APPROVED AS TO FORM:


City Attorney