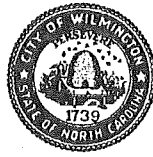


# Ordinance



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DEC 15 2010

City Council  
City of Wilmington  
PLANNING DIVISION North Carolina

**INTRODUCED BY:** Sterling B. Cheatham, City Manager

**DATE:** 12/7/2010

**ORDINANCE AMENDING CHAPTER 16, ENTITLED BUILDING AND  
BUILDING REGULATIONS OF THE CODE AND  
CHAPTER 18, ENTITLED LAND DEVELOPMENT CODE (LDC-5-1010)**

**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 Chapter 16 entitled Buildings and Building Regulations and Chapter 18 entitled Land Development Code to correct errors, including typographical and incorrect references, and to address other amendments.

**THEREFORE, BE IT ORDAINED:**

SECTION 1: Chapter 16, BUILDINGS AND BUILDING REGULATIONS, ARTICLE VII. NONRESIDENTIAL STRUCTURE CODE, DIVISION 3. ENFORCEMENT, Section 16-317. Failure to comply with order; adoption of ordinance. (2) of the Wilmington City Code is hereby amended to read as follows:

- (2) It shall be unlawful for the owner of any nonresidential structure, with respect to which an order has been issued pursuant to section 16-315 of this article to occupy or permit the occupancy of the same after the time prescribed in such order for its repair, alteration, improvement or its vacating and closing, and each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense.

SECTION 2: CHAPTER 18, LAND DEVELOPMENT CODE: ARTICLE 1. IN GENERAL, Section 18-6. Fees. (a) of the Wilmington City Code is hereby amended to read as follows:

- (a) Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters may be charged to applicants for zoning permits, sign permits, special-use permits, subdivision preliminary plan review plat approvals, zoning amendments, tree removal and preservation permits, Future Land Use Plan/Future Land Use Map amendments, site plans, concept plans, historic preservation applications, zoning verifications, traffic impact analysis reviews, landscape plans, street closures, vested rights, annexations, variances and other administrative relief. The amount of the fees charged shall be as set forth in the city's fee schedule.

CERTIFIED TO BE A TRUE COPY  
CITY CLERK  
*Thelma Spina Sidbury*

SECTION 3: CHAPTER 18, LAND DEVELOPMENT CODE: ARTICLE 1. IN GENERAL, Section 18-10. Interpretation. (b) of the Wilmington City Code is hereby amended to read as follows:

(b) Only those permitted uses, uses permitted under prescribed conditions, and special uses indicated by the applicable district regulations shall be interpreted to be allowed in such district. No interpretation shall be effective to change the character of a district in comparison with the purpose of such district and the other uses allowed.

SECTION 4: CHAPTER 18, LAND DEVELOPMENT CODE: ARTICLE 2. ADMINISTRATIVE OFFICIALS AND AGENCIES, DIVISION 1. ADMINISTRATIVE OFFICIALS, Section 18-14. Technical review committee of the Wilmington City Code is hereby amended” to read as follows:

The city manager shall establish a technical review committee (TRC). The TRC shall be a committee of city staff, North Carolina Department of Transportation staff and other agencies that review site plans for major and minor developments in accordance with Section 18-60.

SECTION 5: CHAPTER 18, LAND DEVELOPMENT CODE: ARTICLE 3. ENFORCEMENT AND REVIEW PROCEDURES, DIVISION I, ENFORCEMENT, Section 18-52. Penalties and remedies. (d) of the Wilmington City Code is hereby amended to read as follows:

(d) Violations of the provisions of Article 6, Division II. Temporary Uses, Section 18-340 of this chapter shall subject the offender to the following civil penalties:

(1) For the first violation, a civil penalty of two hundred dollars (\$200.00).

(2) For a second and any subsequent violation, a civil penalty of five hundred dollars (\$500.00).

SECTION 6: CHAPTER 18, LAND DEVELOPMENT CODE: ARTICLE 3. ENFORCEMENT AND REVIEW PROCEDURES, DIVISION II. SITE PLAN REVIEW, Section 18-60. Site plan review. (b)(4) b. 6 of the Wilmington City Code is hereby amended to read as follows:

6. The proposed development or use is not consistent with the City of Wilmington Land Development Code, Technical Standards and Specifications Manual, a specific standard established on an official map, or in a plan including but not limited to the Future Land Use Plan, corridor plans, special area plans, CAMA plan, thoroughfare plans and those adopted hereafter.

SECTION 7: CHAPTER 18, LAND DEVELOPMENT CODE: ARTICLE 3.  
ENFORCEMENT AND REVIEW PROCEDURES, DIVISION IV. SPECIAL USE PERMIT  
APPROVAL PROCESS, Section 18-89. Modifications to approved plan. (a)(6) of the  
Wilmington City Code is hereby amended to read as follows:

- (6) A reduction in size of public utilities.

SECTION 8: CHAPTER 18, LAND DEVELOPMENT CODE: ARTICLE 3.  
ENFORCEMENT AND REVIEW PROCEDURES, DIVISION IV. SPECIAL USE PERMIT  
APPROVAL PROCESS, Section 18-89. Modifications to approved plan. (a)(7) of the  
Wilmington City Code is hereby amended to read as follows:

- (7) A change in the soil erosion and sedimentation controls unless approved by  
the city engineer;

SECTION 9: CHAPTER 18, LAND DEVELOPMENT CODE: ARTICLE 3.  
ENFORCEMENT AND REVIEW PROCEDURES, DIVISION VII. FUTURE LAND USE  
PLAN AMENDMENT PROCESS, Section 18-128. Future land use plan amendment process. (a)  
of the Wilmington City Code is hereby amended to read as follows:

- (a) *Purpose.* Establish an amendment process for the Future Land Use Plan (FLUP) and  
special area plans that as adopted set forth the long-range land use policies of the  
City of Wilmington.

SECTION 10: CHAPTER 18, LAND DEVELOPMENT CODE: ARTICLE 4.  
NONCONFORMITIES AND VESTED RIGHTS, DIVISION I. NONCONFORMITIES,  
Section 18-143. Change in kind of nonconforming use. (b) of the Wilmington City Code is  
hereby to read as follows:

(b) A nonconforming use may be changed to another nonconforming use only in  
accordance with a special use permit issued by the city council. The city council may  
issue such special use permit if it finds that the proposed use will be no less compatible  
with the surrounding neighborhood than the use in operation at the time the approval is  
applied for. If a nonconforming use is changed to any use other than a conforming use  
without obtaining city council approval pursuant to this paragraph that change shall  
constitute a discontinuance of the nonconforming use, with consequences as stated in  
section 18-144. A nonconforming accessory use or building may only be changed to  
another nonconforming accessory use or building as provided in this section. Changes in  
a principal use are also considered as changes to any accessory use or building. The city  
council shall comply with the provisions of Article 3, Division IV of this Chapter in  
issuing special use permits pursuant to this Section. The city council may issue such  
special use permit if it finds that all five (5) of the following factors exist:

- (1) That the proposed use will be no less compatible with the surrounding  
neighborhood than the use in operation at the time the approval is applied for.

- (2) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by the issuance of the special use permit;
- (3) That the use meets all required conditions and specifications;
- (4) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- (5) 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's Future Land Use Plan, the CAMA plan, and adopted special area plans (i.e. corridor plans, neighborhood plans, Wilmington Vision 2020: A Waterfront Downtown Plan).

SECTION 11: CHAPTER 18, LAND DEVELOPMENT CODE: ARTICLE 5. ZONING DISTRICT REGULATIONS, DIVISION II. DISTRICT REGULATIONS, Section 18-174. Exception to area and height standards. (a) In general. (2) (e). of the Wilmington City Code is hereby amended to read as follows:

- e. Communications towers, subject to section 18-259.

SECTION 12: CHAPTER 18, LAND DEVELOPMENT CODE: ARTICLE 5. ZONING DISTRICT REGULATIONS, DIVISION II. DISTRICT REGULATIONS, Section 18-184. Multi-family Residential Districts (MF-L, MF-M, MF-MH, MF-H). (f) Development standards. (1) Dimensional Requirements. (TABLE INSET) of the Wilmington City Code is hereby amended to read as follows:

(1) *Dimensional requirements.*

TABLE INSET:

	MF-L	MF-M	MF-MH	MF-H
Minimum lot area (square feet)				
Multifamily	20,000	20,000	20,000	15,000
Detached	5,000	5,000	4,000	3,000
Maximum density (u/a)				
Multiple-family	10	17	25	36
SFR, detached	6	9	12	15
Minimum lot width (feet)				
Multifamily	100	100	90	80
Att/Det/Du/Tr/Q	50	50	40	40
Maximum lot coverage (%)				
Multifamily	30	30	35	35

Att/Det/Du/Tr/Q	50	50	50	50
Minimum front setback (feet)				
Multifamily	35	35	30	30
Att/Det/Du/Tr/Q	15	15	15	15
Minimum rear setback (feet)				
Multifamily	25	25	25	25
Att/Det/Du/Tr/Q	15	15	15	15
Minimum interior side setback (feet)				
Multifamily	20	20	20	20
Att/Det/Du/Tr/Q	5	5	5	5
Minimum corner lot side setback (feet)				
Multifamily	30	30	30	30
Att/Det/Du/Tr/Q	10	10	10	10

SECTION 13: CHAPTER 18, LAND DEVELOPMENT CODE: ARTICLE 5. ZONING DISTRICT REGULATIONS, DIVISION II. DISTRICT REGULATIONS, Section 18-185. MX, Mixed Use District. (c) (2) Supporting uses. of the Wilmington City Code is hereby amended to read as follows:

(2) *Supporting uses.* The uses listed below are considered supporting uses to the required categories. While the following uses are allowed by right, they shall not count towards the minimum required mixed-use categories. Even though the project may contain one (1) or more of the following uses, it must still include at least three (3) of the five (5) categories (residential, office, commercial, institutional/quasi-public/public, or entertainment and lodging listed above to qualify as a mixed-use project.

SECTION 14: CHAPTER 18, LAND DEVELOPMENT CODE: ARTICLE 5. ZONING DISTRICT REGULATIONS, DIVISION II. DISTRICT REGULATIONS, Section 18-196. CBD, Central Business District. (d) Permitted by special use permit. (8) of the Wilmington City Code is hereby amended to read as follows:

(8) Single-family residential uses, detached.

SECTION 15: CHAPTER 18, LAND DEVELOPMENT CODE: ARTICLE 5. ZONING DISTRICT REGULATIONS, DIVISION II. DISTRICT REGULATIONS, Section 18-196. CBD, Central Business District. (f) General regulations (2) a. Structure parking. i. of the Wilmington City Code is hereby amended to read as follows:

i. Whenever possible, vehicular access shall not be located on North or South Front, North or South Water, Market or North 3rd streets.

SECTION 16: CHAPTER 18, LAND DEVELOPMENT CODE: ARTICLE 6.  
SUPPLEMENTAL DEVELOPMENT REGULATIONS, DIVISION I. PRESCRIBED  
CONDITIONS, SPECIAL USE PREREQUISITES, AND ACCESSORY USES AND  
STRUCTURES, Section 18-249. Accessory buildings. (e), Height of the Wilmington City Code  
is hereby amended to read as follows:

(e) Height. The height of any accessory building shall not exceed the height of the  
primary structure or thirty-five (35) feet, whichever is less.

SECTION 17: CHAPTER 18, LAND DEVELOPMENT CODE: ARTICLE 6.  
SUPPLEMENTAL DEVELOPMENT REGULATIONS, DIVISION I. PRESCRIBED  
CONDITIONS, SPECIAL USE PREREQUISITES, AND ACCESSORY USES AND  
STRUCTURES, Section 18-267. Dormitory, private, (g) of the Wilmington City Code is hereby  
amended to read as follows:

(g) For private dormitories located within the MF-L, MF-M, MF-MH, and MF-H  
zoning districts, limited restaurant, convenience food service, and personal care  
facilities, in the manner of internal service facilities, may be permitted, provided  
such facilities are designed to serve solely the residents of and occasional visitors  
to the private dormitory use.

SECTION 18: CHAPTER 18, LAND DEVELOPMENT CODE: ARTICLE 6.  
SUPPLEMENTAL DEVELOPMENT REGULATIONS, DIVISION I. PRESCRIBED  
CONDITIONS, SPECIAL USE PREREQUISITES, AND ACCESSORY USES AND  
STRUCTURES, Section 18-270. Fraternity and sorority houses. (g) of the Wilmington City  
Code is hereby amended to read as follows:

(g) For fraternity and sorority houses located within the MF-L, MF-M, MF-MH,  
and MF-H zoning districts, limited restaurant, convenience food service, and  
personal care facilities, in the manner of internal service facilities, may be  
permitted, provided such facilities are designed to serve solely the residents of  
and occasional visitors to the fraternity or sorority house in which they are located  
and are clearly incidental to the residential nature of the fraternity or sorority  
house use.

SECTION 19: CHAPTER 18, LAND DEVELOPMENT CODE: ARTICLE 6.  
SUPPLEMENTAL DEVELOPMENT REGULATIONS, DIVISION I. PRESCRIBED  
CONDITIONS, SPECIAL USE PREREQUISITES, AND ACCESSORY USES AND  
STRUCTURES, Section 18-276. Group home supportive small, medium and large, family care  
home, group home residential: separation requirements. (c) of the Wilmington City Code is  
hereby amended to read as follows:

(c) A proposed group home supportive small, medium, or large shall be located  
no closer than within a one-half (1/2) mile radius from any existing permitted  
group home supportive small, medium or large, or family care home, and a one

(1) mile radius from any existing permitted group home residential within any residential, OT, MHP, HD-R, HD, HD-MU and MX districts whether contiguous or not. There shall be no separation requirement for any family care home, group home supportive small and group home supportive medium in multi-family residential districts.

SECTION 20: CHAPTER 18, LAND DEVELOPMENT CODE: ARTICLE 6. SUPPLEMENTAL DEVELOPMENT REGULATIONS, DIVISION I. CONDITIONS, SPECIAL USE PREREQUISITES, AND ACCESSORY USES STRUCTURES, Section 18-290. Nightclubs. of the Wilmington City Code is hereby amended to read as follows:

Nightclubs in the LI, Light Industrial and IND, Industrial-Districts shall comply with the following:

- (a) The gross floor area of the building shall not exceed two thousand (2,000) square feet.
- (b) Outdoor seating shall be prohibited.

SECTION 21: CHAPTER 18, LAND DEVELOPMENT CODE: ARTICLE 6. SUPPLEMENTAL DEVELOPMENT REGULATIONS, DIVISION I. PRESCRIBED CONDITIONS, SPECIAL USE PREREQUISITES, AND ACCESSORY USES AND STRUCTURES, Section 18-319. Prescribed and special conditions for uses within the Central Business District. (a) Freestanding parking decks (4), of the Wilmington City Code is hereby amended to read as follows:

- (4) Vehicular access shall be located on nonprimary streets, where possible.

SECTION 22: CHAPTER 18, LAND DEVELOPMENT CODE: ARTICLE 7. SUBDIVISION REGULATIONS, DIVISION II. REQUIRED IMPROVEMENTS, Section 18-386. Transportation plans. of the Wilmington City Code is hereby amended to read as follows:

All preliminary and final plans for subdivisions should be in compliance with the Greater Wilmington Urban Area Thoroughfare Plan, Wilmington Urban Area Metropolitan Planning Organization Comprehensive Transportation Plan, Wilmington Urban Area Metropolitan Planning Organization Long Range Transportation Plan and all other roadway, traffic management, transit, pedestrian, bicycle, greenway and trail plans that have been adopted by the Wilmington City Council or the North Carolina Board of Transportation. Transportation facilities identified in these adopted plans shall be shown on all plats, preliminary and final.

SECTION 23: CHAPTER 18, LAND DEVELOPMENT CODE: ARTICLE 7. SUBDIVISION REGULATIONS, DIVISION IV. SPECIFICATIONS FOR REQUIRED PLATS AND RELATED PLANS, CERTIFICATES AND STATEMENTS, Section 18-419. Preliminary plan. (a) of the Wilmington City Code is hereby amended to read as follows:

(a) *Generally.* The subdivider shall submit:

- (1) One (1) legible drawing noted as a preliminary plan, which contains the information as specified in this section for a preliminary plan, drawn or transposed on a reproducible material, either Mylar or sepia, to a scale of one (1) inch equal to one hundred (100) feet, or other scale acceptable to the city manager; and
- (2) Sufficient copies of each as specified by the city manager.

SECTION 24: CHAPTER 18, LAND DEVELOPMENT CODE: ARTICLE 7. SUBDIVISION REGULATIONS, DIVISION IV. SPECIFICATIONS FOR REQUIRED PLATS AND RELATED PLANS, CERTIFICATES AND STATEMENTS, Section 18-419. Preliminary plan. (b) Content of preliminary plan (1) of the Wilmington City Code is hereby amended to read as follows:

- (1) The boundaries of the entire contiguous tract, distinctly and accurately represented, with all bearings and distances shown. This can be prepared from added descriptions, existing maps or other sources. A final field survey by a professional land surveyor is not required and is optional with the owner or developer. Nothing herein shall, however, obviate the requirement of a survey on all final plats.

SECTION 25: CHAPTER 18, LAND DEVELOPMENT CODE: ARTICLE 7. SUBDIVISION REGULATIONS, DIVISION IV. SPECIFICATIONS FOR REQUIRED PLATS AND RELATED PLANS, CERTIFICATES AND STATEMENTS, Section 18-419. Preliminary plan. (b) Content of preliminary plan (11) of the Wilmington City Code is hereby amended to read as follows:

- (11) A sketch vicinity map showing the relationship between the proposed subdivision and the surrounding area at a scale of approximately one (1) inch equal to two thousand (2,000) feet, or other scale or size acceptable to the city manager.

SECTION 26: CHAPTER 18, LAND DEVELOPMENT CODE: ARTICLE 7. SUBDIVISION REGULATIONS, DIVISION IV. SPECIFICATIONS FOR REQUIRED PLATS AND RELATED PLANS, CERTIFICATES AND STATEMENTS, Section 18-419. Preliminary plan. (b) Content of preliminary plan (13) of the Wilmington City Code is hereby amended to read as follows:

(13) Recent accurate topographic information based on mean sea level datum, with contour interval of two (2.0) feet, more or less, or as acceptable to the city manager.

SECTION 27: CHAPTER 18, LAND DEVELOPMENT CODE: ARTICLE 7. SUBDIVISION REGULATIONS, DIVISION IV. SPECIFICATIONS FOR REQUIRED PLATS AND RELATED PLANS, CERTIFICATES AND STATEMENTS, Section 18-421. Final plat. (a) Generally. (2) of the Wilmington City Code is hereby amended to read as follows:

(2) The subdivider shall submit:

- a. The inked original final plat drawn to a scale of one (1) inch equals one hundred (100) feet or other scale acceptable to the city manager, on linen or drafting film suitable for reproduction and recordation, on sheet size sixteen (16) inches by twenty-four (24) inches (minimum size) where possible, but not to exceed twenty-one (21) inches by thirty (30) inches maximum size; and
- b. Sufficient copies of each as specified by the development services department.

SECTION 28: CHAPTER 18, LAND DEVELOPMENT CODE: ARTICLE 7. SUBDIVISION REGULATIONS, DIVISION IV. SPECIFICATIONS FOR REQUIRED PLATS AND RELATED PLANS, CERTIFICATES AND STATEMENTS, Section 18-421. Final plat. (b) Contents of final plat. (14) of the Wilmington City Code is hereby amended to read as follows:

(14) The name and address of the owner, and of the professional land surveyor, land planner, architect, landscape architect or professional engineer responsible for the design of the subdivision, and the registration number and seal of the professional land surveyor.

SECTION 29: CHAPTER 18, LAND DEVELOPMENT CODE: ARTICLE 8. LANDSCAPING AND TREE PRESERVATION, DIVISION II. TREE PRESERVATION, Section 18-455. General. of the Wilmington City Code is hereby amended to read as follows:

Vegetation existing on a site at the time of development that is required to be retained in accordance with the following provisions shall be inventoried on a tree survey. The inventory and identification shall be performed by a qualified professional and the location of existing vegetation shall be performed and certified by a professional land surveyor, and submitted as part of the site plan application. The inventory must include the size and species of each protected tree. The inventory must clearly indicate trees that are to be retained, and those for which removal is proposed. Areas that are designed as tree protection areas and that will not be disturbed can be delineated as such and do not require inventorying individual trees.

SECTION 30: CHAPTER 18, LAND DEVELOPMENT CODE: ARTICLE 8.  
LANDSCAPING AND TREE PRESERVATION, DIVISION IV. STREET YARD  
LANDSCAPING, Section 18-477. General. (b) of the Wilmington City Code is hereby amended  
to read as follows:

(b) It is intended that street yards be landscaped by meeting the requirements of either the following minimum standard or creative standard [subsection (1) or (2)]. All street yards shall be landscaped with a combination of live vegetation, groundcover, grass, trees, or shrubs. Vegetation to be located pursuant to this section shall be selected from the "Approved Plantings List" in the City of Wilmington Technical Standards and Specifications Manual.

(1) Minimum standard: For every six hundred (600) square feet of street yard area, the street yard shall contain:

- a. One (1) canopy/shade tree as specified in section 18-448; or
- b. In areas where overhead power lines prohibit canopy trees in the street yard, three (3) standard understory trees may be substituted.
- c. Six (6) shrubs, twelve (12) inches in height at planting.

(2) Creative standard: To promote creative designs, street yards may consist of trees and shrubbery which cover at least fifty (50) percent of its area.

(3) Stormwater management systems may be allowed in required street yard areas provided the required plantings can be accommodated and the overall plan maintains an attractive landscaped effect. Protected trees may not be removed from required street yard areas specifically to accommodate stormwater facilities. Stormwater facilities installed within the street yard area shall be designed in accordance with the technical standards for "Landscape Stormwater Facilities" or an alternative wetland, bio-retention, or other design approved by the city manager.

(4) No more than fifteen (15) percent of the required street yard shall be covered with an impervious surface. This portion of the street yard may be used for walkways, fountains, walls or fences but no parking areas shall be permitted in these designated areas.

SECTION 31: CHAPTER 18, LAND DEVELOPMENT CODE: ARTICLE 9. OFF-STREET  
PARKING AND LOADING; DRIVEWAYS, Section 18-526. Off-street parking standards. (e)  
of the Wilmington City Code is hereby amended to read as follows:

(e) Nonresidential off-street parking in residential district. Such parking may be provided in residential districts upon issuance of a special use permit as required in Article 3, Division IV, subject to its prerequisites required in Article 6, Division I.

SECTION 32: CHAPTER 18, LAND DEVELOPMENT CODE: ARTICLE 12. SIGN REGULATIONS, DIVISION II. REGULATION OF ON-PREMISES SIGNS BY DISTRICT, Section 18-576. Signs permitted in most districts. of the Wilmington City Code is hereby amended to read as follows:

The following signs are allowed in all districts except for the separate use historic districts, historic district overlays, the River Front Mixed Use, Mixed Use, Main Street Mixed Use and Central Business Districts, provided, however, political signs as listed in subsection 18-576(d), are allowed in all districts:

- (a) One (1) construction sign for each street frontage of a construction project, not to exceed twenty (20) square feet in sign area in residential zones or thirty-five (35) square feet in sign area in all other zones. Such signs may be erected ten (10) days prior to beginning of construction and shall be removed within thirty (30) days following completion of construction.
- (b) Two (2) nonilluminated real estate signs per lot or premises, not to exceed twenty (20) square feet in sign area. Such signs must be removed thirty (30) days following rental, sale or lease.
- (c) One (1) attached nameplate per occupancy, not to exceed four (4) square feet in sign area.
- (d) Nonilluminated political signs, not to individually exceed twelve (12) square feet in sign area. Such signs shall be removed thirty (30) days following the applicable election or referendum. Political signs may be placed only on private property and only with permission of the property owner (see section 18-592, signs not requiring permits).
- (e) Four (4) freestanding directional/information sign(s) are permitted per lot, not to individually exceed three (3) square feet in sign area or thirty (30) inches in height.

SECTION 33: CHAPTER 18, LAND DEVELOPMENT CODE: ARTICLE 12. SIGN REGULATIONS, DIVISION II. REGULATION OF ON-PREMISES SIGNS BY DISTRICT, Section 18-577. Signs permitted in most districts. of the Wilmington City Code is hereby amended to read as follows:

Signs are allowed as follows in Residential Districts R-15, R-10, R-7, R-5, R-3, MHP, MF-L, MF-M, MF-MH, and MF-H:

*Note:* In that portion of the R-5 and R-7 Districts in the Historic District Overlay, commonly referred to as Carolina Heights, a certificate of appropriateness shall be obtained from the historic preservation commission or the historic preservation planning staff prior to the issuance of a sign permit. The certificate of appropriateness shall be required whether or not a sign permit is required. The boundaries of the Historic District Overlay shall be determined from maps or files in the development services department.

- (a) All signs as permitted in section 18-576, signs permitted in most districts.
- (b) Two (2) subdivision identification signs per entrance, not to exceed thirty-five (35) square feet each in sign area. Identification signs may be located on privacy and freestanding walls. Unless otherwise specified, the identification sign must be located on a freestanding wall, the wall shall not exceed six (6) feet in height, or the height of the subdivision privacy wall, whichever is greater.
- (c) One (1) identification sign per apartment or condominium complex entrance, not to exceed thirty-five (35) square feet in sign area. Identification signs may be located on walls provided such signs do not exceed four (4) feet in height and seventy-five (75) square feet in area.
- (d) For permitted nonresidential uses, including churches and synagogues, one (1) freestanding sign per frontage, not exceeding thirty-five (35) square feet in sign area, and one (1) marquee sign not to exceed twenty-five (25) square feet in sign area.  
Special regulations for residential districts are as follows:
- (e) All permitted freestanding signs shall have a maximum height limit of six (6) feet and shall have a minimum setback of five (5) feet from any property line. For permitted freestanding signs which are to be illuminated, such illumination must come from a light source which is external to the sign itself.
- (f) Bed and breakfast uses may erect on-premises attached or freestanding signs subject to the following restrictions:
- (1) Number of signs. Any premises may erect either one (1) attached or one (1) freestanding sign.
  - (2) Area. Attached or freestanding signs shall not exceed four (4) square feet in area.
  - (3) Setback. A minimum setback of five (5) feet from any property line is required for all freestanding signs.
  - (4) Height. Freestanding signs shall be mounted so that in no case shall they exceed six (6) feet in height.
  - (5) All attached signs shall be mounted flat against the wall of the principal building.

SECTION 34: CHAPTER 18, LAND DEVELOPMENT CODE: ARTICLE 12. SIGN REGULATIONS, DIVISION II. REGULATION OF ON-PREMISES SIGNS BY DISTRICT, Section 18-580. Signs permitted in Industrial Districts. Exhibit A, FREESTANDING SIGN TABLE of the Wilmington City Code is hereby amended to read as follows:

Zoning District	Number of Lanes	Street Frontage (In Feet)	Front Setback Min./Max. (In Feet)	Max. Primary Sign Ht. (Ft.)	Max. Aux. Sign Ht. (Ft.)	Max. Primary Sign Area (Sq. Ft.)	Max. Aux. Sign Area (Sq. Ft.)
O&I	2	N/A	5/15	12	10	35	20
	4	<=100	10/20	12	N/A	35	N/A
		>=100	10/20	20	10	50	25
CB	2	N/A	10/20	20	10	50	25
	4	<100	10/20	20	N/A	50	N/A
		>=100	10/20	20	12	65	32
RB, CS, AI, LI and IND	2	<100	10/20	20	N/A	65	N/A
		>=100	10/25	20	18	100	50
	4	<100	10/25	20	N/A	100	N/A
		>=100	10/30	25	20	150	75
		>=300	10/30	30	20	175	90

SECTION 35: CHAPTER 18, LAND DEVELOPMENT CODE: ARTICLE 14. PUBLIC INFRASTRUCTURE, DIVISION III. COMPREHENSIVE STORMWATER ORDINANCE, PART 3. STANDARDS, Section 18-761. Other considerations in design preparation, of the Wilmington City Code is hereby amended to read as follows:

- (a) The predevelopment peak discharge rate shall be computed assuming that all land uses in the drainage area of the proposed facility are in a predevelopment state. The city considers predevelopment state to be woods in good condition for the purposes of determining runoff coefficients.
- (b) The developer shall incorporate use of natural topography and land cover such as wetlands, ponds, natural swales, and depressions as they exist prior to development to the degree that they can accommodate the additional flow of water.
- (c) Where storm drainage systems convey off-site stormwater through the property, computations reflecting the drainage area of land tributary to the site, and estimated runoff of the area served by such systems, shall be provided. In addition, a complete drainage study shall be submitted for the site. All storm drainage systems conveying off-site stormwater through property shall be public systems or private systems which shall

be designed, constructed and maintained to at least the standards of a public storm drainage system as contained in the standards and specifications manual. The design and construction shall be certified by an authorized registered professional as meeting or exceeding the requirements of this division and the stormwater management technical standards and specifications.

SECTION 36: CHAPTER 18, LAND DEVELOPMENT CODE: Article 15. DEFINITIONS, Section 18-812. Definitions. of the Wilmington City Code is hereby amended to replace the definition of “Adult bookstore” and to read as follows:

*Adult bookstore:* An establishment having as a substantial and significant portion of its stock in trade, books, magazines and other periodicals, motion picture films which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this chapter, or any establishment trading in such books, magazines or other periodicals or motion picture films which limits its customers to persons over eighteen (18) years of age.

SECTION 37: CHAPTER 18, LAND DEVELOPMENT CODE: Article 15. Definitions, Section 18-812. Definitions. of the Wilmington City Code is hereby amended to replace the definition of “Authorized registered professional” and to read as follows:

*Authorized registered professional:* A professional engineer, professional land surveyor, landscape architect or other professional registered, licensed or certified pursuant to the North Carolina General Statutes and authorized by law to prepare the plans and specifications and provide the certifications required by the various provisions of this Chapter.

SECTION 38: CHAPTER 18, LAND DEVELOPMENT CODE: Article 15. Definitions, Section 18-812. Definitions. of the Wilmington City Code is hereby amended to replace the definition of “Parking space, off-street” and read as follows:

*Parking space, off-street:* An area meeting the City of Wilmington Technical Standards and Specifications Manual for size, access, and maneuverability and designed to accommodate the temporary parking of a vehicle.

SECTION 39: CHAPTER 18, LAND DEVELOPMENT CODE: Article 15. Definitions, Section 18-812. Definitions. of the Wilmington City Code is hereby amended to replace the definition of “Plans, construction” and read as follows:

*Plans, construction:* Plans and profile sheets in sufficient detail to indicate the construction of all the improvements associated with the property to be developed or subdivided prepared by a professional engineer or land surveyor licensed to practice within North Carolina.

SECTION 40: CHAPTER 18, LAND DEVELOPMENT CODE: Article 15. Definitions, Section 18-812. Definitions. of the Wilmington City Code is hereby amended to add the definition for "Tree, Canopy" and to read as follows:

*Tree, Canopy:* Any tree identified in the City of Wilmington Technical Standards and Specifications Manual "Approved Plant List" with a minimum spread of 30 feet or greater.

SECTION 41: CHAPTER 18, LAND DEVELOPMENT CODE: Article 15. Definitions, Section 18-812. Definitions. of the Wilmington City Code is hereby amended to add the definition for "Tree, Shade" and to read as follows:

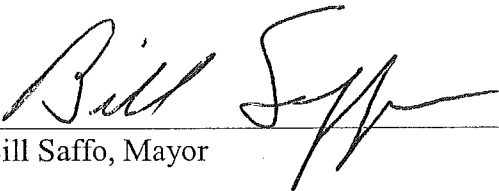
*Tree, Shade:* Any tree identified in the City of Wilmington Technical Standards and Specifications Manual "Approved Plant List" with a minimum spread of 20 feet or greater.

SECTION 42: 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 43: That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 44: 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.

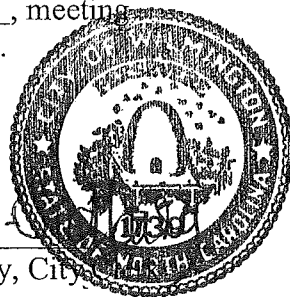
SECTION 45: That this ordinance shall be effective immediately upon its adoption.

  
Bill Saffo, Mayor

Adopted at a regular, meeting  
on December 7, 2010.

ATTEST:

  
Penelope Spicer-Sidbury, City



APPROVED AS TO FORM:

  
Carolyn Johnson, City Attorney